

**ORDINANCE NO. 2024-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA, ADDING CHAPTER 8.34 OF THE VISTA MUNICIPAL CODE AND AMENDING CHAPTER 18.02 OF THE VISTA DEVELOPMENT CODE RELATING TO SHORT-TERM RENTALS**

**The City Council of the City of Vista does ordain as follows:**

**SECTION 1. Findings.** The City Council hereby finds and declares that:

A. This ordinance is enacted by the City Council pursuant to its authority under the Charter of the City of Vista and Article 11, Section 7 of the California Constitution.

B. The City intends to add Chapter 8.34 to the Vista Municipal Code and to amend Chapter 18.02 of the Vista Development Code to establish regulations, standards, and a permitting process governing the renting of short-term rentals in order to maintain the long-term housing stock in the City; ensure the collection and payment of Transient Occupancy Taxes (TOT); safeguard the residents of the City by ensuring that short-term rental activities do not threaten the character of residential neighborhoods; and ensuring that such short-term rental activities do not become a nuisance, or threaten the public health, safety or welfare of neighboring properties.

C. The proposed code amendments would regulate and create a permitting process for short-term rental operations to ensure compatibility with, and to safeguard the peace, safety and general welfare of, existing residential neighborhoods. Short-term rentals are dwelling units that are approved for development under separate provisions of the Vista Development Code, and transient occupancy is currently subject to the payment of Transient Occupancy Taxes (TOT) under Chapter 3.24 of the Vista Municipal Code. The proposed amendments constrain the operations of dwelling units that are otherwise approved and constructed in the City, and therefore are exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the "Common Sense" exemption, because there is no possibility that the proposed amendments may have a significant effect on the environment.

D. On May 28, 2024, the City Council held a public hearing regarding the proposed amendments to the Vista Municipal Code and Vista Development Code. At said public hearing, staff reports, both written and oral were received in evidence and all persons desiring to speak on the proposed project were heard. At the conclusion of said hearing, after consideration of all evidence presented, the City Council reached a decision on the matter as set forth.

**SECTION 2. Code Amendment.**

A. Chapter 8.34, Short-Term Rental Permit, is added to the Vista Municipal Code to read as follows:

**“Chapter 8.34  
Short-Term Rental Permit**

**Sections:**

- 8.34.010 Purpose – Findings and Determinations**
- 8.34.020 Definitions**
- 8.34.030 Short-Term Rentals Allowed**
- 8.34.040 Authorized Agent**
- 8.34.050 Short-Term Rental Permit Requirements**
- 8.34.060 Short-Term Rental Application and Issuance**
- 8.34.070 Short-Term Rental Operating Requirements**
- 8.34.080 Violations and Enforcement**
- 8.34.090 Denial, Suspension and Revocation**

**Section 8.34.010 Purpose – Findings and Determinations**

The purpose of this chapter is to establish reasonable regulations for short-term rentals to safeguard the peace, safety and general welfare of neighborhoods within the City by minimizing negative secondary effects related to short-term rentals such as excessive noise, disorderly conduct, illegal parking, overcrowding, and excessive accumulation of refuse. By reducing any adverse impacts of short-term rentals, these regulations also ensure compatibility with surrounding neighborhood uses.

This chapter is not intended to provide any owner of residential property with the right or privilege to violate any deed restrictions or private covenants, conditions and restrictions applicable to the owner’s property that may prohibit the use of such owner’s residential property as a short-term rental as defined in this chapter.

**Section 8.34.020 Definitions**

**“Agent”** means a person designated by the owner in writing to act on the owner’s behalf with respect to owner’s short-term rental and compliance with this chapter.

**“Bedroom”** means a private room intended for or capable of being used for sleeping purposes, separated from other rooms by a door, curtain or other entry way, having at least one window and a closet, and is accessible to a bathroom without crossing into another bedroom. Bedrooms exclude bathroom, kitchen, living room, and laundry areas.

**“Broker”** means any person, including, but not limited to, on-line websites, on-line travel agencies, and on-line booking agents, that offers, lists, advertises, accepts reservations and/or collects whole or partial payment for a short-term rental.

**“Hosted unit”** means a short-term rental where the owner remains and resides onsite or on a property immediately adjacent to the short-term rental property during the short-term rental period (except during daytime and/or working hours).

**“Non-hosted unit”** means a short-term rental whereby the owner does not remain or reside on-site or on a property immediately adjacent to the short-term rental property during the short-term rental period.

“**Owner**” means an owner of record of the real property that contains the short-term rental, as provided for in the property deed.

“**Short-term rental**” is defined as the rental of any legally permitted dwelling unit or any portion of any legally permitted dwelling unit, including detached single-family residences, guesthouses, condominiums, duplexes, townhomes and multiple-family dwellings, for occupancy for dwelling, lodging or sleeping purposes for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. Short-term rentals exclude the following: any accessory dwelling unit permitted under Chapter 18.31 of the Development Code; any trailer coach as defined in Chapter 18.02 of the Development Code; and any oversized recreational vehicle as defined in Section 10.34.010.B of this Code.

### **Section 8.34.030 Short-Term Rentals Allowed**

Short-term rentals that comply with all requirements of this chapter are allowed in zones and Specific Plans in the City that permit residential uses.

### **Section 8.34.040 Authorized Agent**

A. An owner may in writing authorize an agent to comply with the requirements of this chapter on their behalf. The agent shall submit a copy of the authorization to the City during the permit and permit renewal application process.

B. Notwithstanding Subsection A above, the owner shall not be relieved from any personal liability for noncompliance with this chapter, regardless of whether such noncompliance was caused, allowed or permitted by the owner’s agent or the occupants or guests of the owner’s short-term rental.

### **Section 8.34.050 Short-Term Rental Permit Requirements**

Prior to renting or advertising the availability of a short-term rental, the owner or their agent shall obtain: (1) a business license pursuant to Chapter 5.04 of this Code; (2) a transient occupancy registration certificate pursuant to Chapter 3.24 of this Code; and (3) a short-term rental permit pursuant to this chapter.

### **Section 8.34.060 Short-Term Rental Permit Application and Issuance**

A. Contents of Permit Application. Owners or their agent shall submit a short-term rental permit application to the City for each short-term rental unit. The permit application shall be submitted on a City-approved form that requires the following information:

1. If applicable, owner’s written authorization of agent(s).
2. Legal name, address and telephone number of all owner(s), agent(s), broker(s) for the short-term rental and the 24-hour, seven-day per week local contact person.
3. The address and assessor’s parcel number of the property proposed to operate as a short-term rental.
4. The number of bedrooms within the short-term rental.
5. The number of existing on-site parking spaces designated for the exclusive use of the short-term rental.
6. Whether the short-term rental is a “hosted unit” or a “non-hosted unit”.
7. The number of fire extinguishers and smoke and carbon monoxide alarms at the short-term rental property, and a self-certification of compliance with the Fire Code, subject to review and approval by the City’s Fire Marshal.

8. Copy of any application and all other forms that renters of the short-term rental will be required to complete.
9. Copy of the owner's rules and regulations for the short-term rental.
10. Signed statement acknowledging all of the following: (a) all of the information contained in the short-term rental permit application is true and correct; (b) all owner(s)/agent(s), and the designated local contact person, are familiar with the requirements of this chapter; (c) all owner(s)/agent(s), and the designated local contact person, are responsible for ensuring compliance with this chapter; and (d) failure to comply with this chapter and all applicable provisions of this Code may result in suspension and/or revocation of a short-term rental permit.
11. Such other standardized information as the City Manager, or designee, deems reasonably necessary to administer this chapter.
  - B. Application Signatories. All owners listed on the property deed are required to sign the short-term rental permit application. Signatures of non-corporeal owners, such as partnerships and corporations, shall be made by the entity's duly authorized agent(s) or such individual(s) otherwise permitted by law to sign on the entity's behalf.
  - C. Permit Fee. A short-term rental permit fee has been established by resolution of the City Council and shall be paid in conjunction with initial and renewal applications. The fee is nonrefundable.
  - D. Granting of Permit and Renewal. The City shall grant or renew a permit if the application meets the requirements of this section and there are no grounds for denial pursuant to section 8.34.090.B. All short-term rental permits are valid for one year and shall be renewed annually in coordination with business license renewals.
  - E. Change of Ownership. Permits only apply to the person(s) named on the application and are non-transferable. Within 14 calendar days of a material change in the property ownership or substitution of listed agent(s), a new application for a short-term rental permit shall be submitted with the required application fee.
  - F. Short-term rentals are subject to the provisions of Chapter 3.24 of this Code regarding the collection and remittance of Transient Occupancy Tax (TOT). Failure to comply with these provisions may result in revocation of a short-term rental permit pursuant to section 8.34.090.C. A broker that collects any revenue from arranging or listing a short-term rental location in the City has primary responsibility for collecting, paying and transmitting all TOT due to the City pursuant to Chapter 3.24 of this Code.
  - G. False Statements. Any false statements or information provided in the application are grounds for denial of a short-term rental permit pursuant to section 8.34.090.C, or if the permit has already been issued by the City, permit revocation or imposition of penalties.
  - H. Indemnification. By accepting a short-term rental permit, the permittee agrees to defend, indemnify and hold harmless the City, its officers, employees and agents from any and all liability arising out of the actions permitted by such permit, and agrees to pay on behalf of the City all claims, damages, judgments, legal and court costs, adjuster fees and attorney fees related thereto.

### **Section 8.34.070 Short-Term Rental Operating Requirements**

The use and occupancy of short-term rentals shall comply with the following operating requirements. For purposes of this section, "responsible person" shall mean the owner(s) and agent(s) listed in the permit application for the short-term rental:

- A. Public Nuisance Prohibited. The responsible person shall not cause, allow or permit the use or occupancy of the short-term rental to create a public nuisance, including, but not limited to, unruly gatherings or raucous noise. "Raucous noise" includes yelling, screaming,

shouting, or making other disturbing noises, including noise violations as identified in Chapter 8.32 of this Code, which unreasonably interfere with the peace and quiet of nearby residents or members of the public. "Unruly gathering" includes, but is not limited to, gatherings of occupants and/or guests at a short-term rental that exceed the number permitted on the short-term rental permit and gatherings of occupants and/or guests engaging in disorderly conduct that disturbs the public peace. The responsible person shall immediately abate any public nuisances caused by the use or occupancy of the short-term rental.

B. Noise Violations Prohibited. The responsible person shall not cause, allow or permit the emission or transmission of any noise violation as identified in Chapter 8.32 of this Code at a short-term rental, including from any sound-making equipment or sound-amplifying device.

C. Permitted Occupancy. The responsible person shall limit overnight occupancy of the short-term rental to a specific number of occupants not to exceed two persons per bedroom or studio plus one additional person per dwelling unit.

D. Parking. The responsible person shall limit the number of vehicles at the short-term rental to the number of parking spaces designated in the short-term rental permit. All on-site parking spaces designated for occupant use in the permit shall be made available for the vehicles of occupants. Occupants shall avoid street parking and vehicles shall not impede access to sidewalks and adjoining neighboring properties or driveways. Vehicles shall not park in designated fire lanes. Parking of motor vehicles, trailers and recreational vehicles by occupants shall comply with Section 8.36.040.B.7 of this Code.

E. Trash and Refuse. Trash and refuse shall not be left or stored within public view except at a location that is designated for collection from sunset on the day prior to trash pick-up until up to midnight on the day designated for trash pick-up. All trash shall be in approved receptacles pursuant to Chapter 13.16 of this Code and comply with Section 8.36.040.B.4 and 5 of this Code.

F. Rental Agreements. Information on the permitted occupancy, parking capacity, and trash disposal requirements of the short-term rental, and the requirements of this chapter, shall be stated in the rental information and agreement provided to prospective renters, prior to their occupancy of the short-term rental. Renters shall agree in writing to follow the provisions of this chapter that apply to use and occupancy of a short-term rental.

G. Outdoor Fire Pits. No open wood-burning fire pits, bonfires or campfires are permitted at short-term rental properties. Natural gas/propane burning fireplaces and fire pits with 20-pound tanks or smaller are acceptable outside, provided the device is at least 10 feet away from structures and any flammable materials.

H. Grills and Barbeques. Grills and barbeques are not permitted beneath a potentially flammable source, including, but not limited to, trees, umbrellas, decks, or other appurtenant structures, and shall be at least 10 feet away from structures and any flammable materials. Charcoal grills of any type are strictly prohibited.

I. No Roof Access. The responsible person shall not cause, permit or allow occupants to have roof access to the short-term rental. This prohibition does not include permitted roof decks.

J. Life/Safety Compliance. The short-term rental property shall meet basic life/safety requirements under applicable laws such as the California Health & Safety Code and City-adopted building and fire codes. Minimum operating requirements include, but are not limited to, operable smoke and carbon monoxide alarms, fire extinguisher, and first aid kit.

K. Inspections. Regardless of the time of day, the responsible person shall permit the City to inspect the short-term rental and property in response to any complaint received by the City, for the purpose of making a reasonable inspection to observe and enforce compliance with all applicable laws, rules and regulations, including the provisions of this chapter.

L. No Subletting. The subletting of a short-term rental is prohibited. Only the person with a valid short-term rental permit issued by the City is permitted to advertise and rent out a property as a short-term rental.

M. Special Events and Temporary Uses Prohibited. Special events and temporary uses such as weddings, corporate events, commercial functions, and any other similar events that have the potential to cause traffic, parking, noise, or other adverse impacts in the neighborhood are prohibited at the short-term rental property or as a component of short-term rental activities.

N. No Commercial Filming. No commercial filming may occur at the short-term rental property concurrently with an active short-term rental permit.

O. Permitted Guest Hours. The designated short-term rental occupants may host guests at the short-term rental during the hours of 9:00 a.m. to 9:00 p.m. daily.

P. Advertisements. It is unlawful for any person or entity to advertise a short-term rental in the City without a valid and current permit issued by the City. All advertisements for a property operating with a valid short-term rental permit, including those advertisements posted on or by hosting platform sites, shall include the short-term rental permit number provided by the City, the maximum number of occupants permitted to stay in the unit, and the maximum number of vehicles permitted to be parked at the short-term rental.

Q. Minimum Night Stay. Non-hosted units shall have a minimum night stay of two consecutive nights. This provision does not apply to hosted units or to short-term rentals in multi-family residential dwellings.

R. Maximum Number of Short-Term Rentals. An owner is limited to operating a maximum of five short term rentals per City Council district in the City.

S. Interior Display of Short-Term Rental Permit. During the period of short-term rental operation, the responsible person shall affix a display on the inside of the main entry door of the short-term rental that includes: (1) the short-term rental permit that applies to the unit; (2) the maximum number of overnight occupants permitted to stay in the unit; (3) the maximum number of vehicles; and a (4) 24-hour, seven-day per week local phone number of the local contact person.

T. Exterior Complaint Phone Number Display. During the period of short-term rental operation, the responsible person shall affix a display on a front window of the short-term rental that includes: (1) a 24-hour, seven-day per week local phone number of a designated contact to take complaints regarding the unit; (2) the number of bedrooms; (3) maximum number of occupants permitted to stay in the unit; and (4) the maximum number of vehicles.

U. Response Requirements. The responsible person shall, upon notification that occupants or guests of their short-term rental have violated provisions of this chapter or other applicable federal, state or local laws, rules, or regulations, prevent a recurrence of such conduct by those occupants or guests and shall respond to the notification of violations as soon as practically possible, but within 1 hour at the latest. Failure to timely respond to complaints may result in enforcement pursuant to section 8.34.080.C.

V. Compliance with Laws. The responsible person shall comply with all applicable provisions of this Code, and all other federal, state, and local laws, rules, and regulations.

### **Section 8.34.080 Violations, Enforcement and Penalties**

A. Any person violating any of the provisions of this chapter shall be subject to enforcement pursuant to Chapter 1.12 et. seq. of this Code and any other enforcement mechanism available to the City, including revocation of the short-term rental permit pursuant to section 8.34.090.C.

B. Any short-term rental that is operating in violation of this chapter is hereby declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation pursuant to Chapter 8.36 of this Code.

C. The following penalties apply to administrative citations issued for violations of this chapter:

1. For a first administrative citation, a fine not exceeding \$500 per violation of each provision of this chapter.
2. For a second administrative citation within one year of the first citation, a fine not exceeding \$1,000 per violation of each provision of this chapter.
3. For a third or subsequent administrative citation within one year of the first citation, a fine not exceeding \$1,500 per violation of each provision of this chapter.

### **Section 8.34.090 Denial, Suspension and Revocation**

A. Denial, Suspension or Revocation. In addition to any other remedy provided by this chapter, a short-term rental permit may be denied, suspended, or revoked by the City Manager, or designee, pursuant to this section.

B. Grounds for Denial or Suspension. A short-term rental permit may be denied or immediately suspended if any of the following grounds exist:

1. The application or renewal application for the short-term rental permit does not comply with all the requirements of section 8.34.060.
2. A material misrepresentation, false or misleading information was included on the application or renewal application for the short-term rental permit.
3. An authorized official has cited the short-term rental property for health or safety violation(s) and such violation(s) remain outstanding.
4. The use or occupancy of the short-term rental property has been cited by an authorized official for felony violation(s) and criminal prosecution is pending.
5. A delinquency in the payment of any outstanding fees, assessments or taxes owed to the City related to the short-term rental property, including, but not limited to, Transient Occupancy Taxes (TOT).

C. Revocation of Permit. If a third administrative citation is issued for violation(s) of this chapter at a short-term rental within a one-year period, the City shall revoke the short-term rental permit upon a determination that the violation(s) alleged in the third citation has occurred. Notwithstanding the foregoing, the City shall immediately revoke the short-term rental permit upon final determination that a felony violation relating to the use or occupancy of the short-term rental property has occurred.

D. Appeal of Denial, Suspension or Revocation. Any denial, suspension or revocation of a short-term rental permit shall be made by the City in writing and is subject to the appeal procedures set forth in Section 5.04.210 of this Code.

E. Prohibited Operations. If a short-term rental permit is revoked pursuant to this section, a short-term rental shall not be operated at the property for a period of 12 months from the date of such revocation unless the property has been sold and the new owner can demonstrate to the City that a change of property ownership occurred during that time period.”

B. Chapter 18.02 of the Vista Development Code is amended to read as follows:

**“Chapter 18.02  
Purpose, Interpretation and Definitions**

**Sections 18.02.005 through 18.02.323 (no changes)**

**Section 18.02.325 Guesthouse**

“**Guesthouse**” shall mean living quarters within an accessory building for the sole use of the primary occupants of the premises or for temporary use by guests of the occupants of premises, which living quarters have no kitchen facilities and are not otherwise used as a separate dwelling. No guest house shall exceed 700 square feet in gross floor area. No guest house shall be more than one story in height. It may be located on the top of another single story accessory structure.

**Sections 18.02.330 through 18.02.735 (no changes)”**

**SECTION 3.** If any word, sentence, paragraph, or other portion of this ordinance is deemed to be invalid or unenforceable for any reason by a court of competent jurisdiction, the City Council declares its intent that all remaining words, sentences, paragraphs or portions of the ordinance not held to be invalid or unenforceable shall remain in full force and effect, and shall, be so construed, as if the original ordinance did not contain the invalid or unenforceable language.

**SECTION 4.** This Ordinance shall be effective on the thirty-first day following the date of its adoption. The City Clerk is authorized and directed to publish a copy in the manner provided by law.

INTRODUCED AND ADOPTED at a meeting of the City Council of the Chartered City of Vista held on May 28, 2024, by the following vote:

AYES: Mayor Franklin, Green, Contreras, Melendez, O'Donnell

NOES: None

ABSTAIN: None

APPROVED AS TO FORM:  
WALTER CHUNG, CITY ATTORNEY

By: 

APPROVED  
Walter C. Chung  
20240520075919

  
\_\_\_\_\_  
JOHN FRANKLIN, MAYOR

ATTEST:  
KATHY VALDEZ, CITY CLERK

By: 