

**ORDINANCE NO. 1766**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIO  
AMENDING CHAPTER 37 OF THE INDIO MUNICIPAL CODE  
RELATING TO SHORT-TERM RENTALS**

**THE CITY COUNCIL OF THE CITY OF INDIO DOES ORDAIN AS  
FOLLOWS:**

**Section 1.** Chapter 37 (Regulation of Short-Term Vacation Rentals) of Title 3 (Administration) of the Indio Municipal Code is hereby repealed in its entirety.

**Section 2.** A new Chapter 37 entitled "Regulation of Short-Term Rentals" is hereby added to Title 3 (Administration) of the Indio Municipal Code to read as follows:

**"CHAPTER 37: REGULATION OF SHORT-TERM RENTALS**

**§ 37.001 PURPOSE.**

A. The purpose of this chapter is to establish regulations for the use of privately owned residential dwelling units as Short-Term Rentals to minimize secondary impacts of such uses on surrounding residential neighborhoods and to ensure the collection and payment of transient occupancy taxes.

B. This chapter is not intended to provide any Owner of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the Owner's property that may prohibit the use of such Owner's residential property for Short-Term Rental purposes as defined in this chapter.

**§ 37.002 DEFINITIONS.**

The definitions set forth in this section shall govern the meaning and construction of the words and phrases used in this Chapter, except where the context of such words and phrases clearly indicates a different meaning or construction.

"Applicable Laws, Rules and Regulations" means any laws, rules, regulations and codes (whether local, state or federal) pertaining to the use and occupancy of a privately owned dwelling unit as a Short-Term Rental.

"Applicant" means the Owner of the Short-Term Rental.

"Bedroom" means an area of a Short-Term Rental normally occupied and being heated or cooled by any equipment for human habitation, which consists of four walls to the ceiling, at least one of which is located along an exterior wall with a window, and contains a built-in closet.

“Cluster” or “Compound” means any two or more Short-Term Rentals that operate on a unified or shared basis where occupants of such Short-Term Rentals have exclusive access to more than one Short-Term Rental and/or the facilities of such Short-Term Rentals, including by way of example, a swimming pool, tennis court, or cooking facilities.

“Coachella Valley” means the territory within the boundaries of the cities of Desert Hot Springs, Palm Springs, Cathedral City, Rancho Mirage, Palm Desert, Indian Wells, La Quinta, Indio, Coachella, and the unincorporated area of Riverside County that is within the territorial boundaries of the Palm Springs and Desert Sands Unified School District, and that portion of the Coachella Valley Unified School District located within Riverside County, as such boundaries may be adjusted from time to time as allowed for under the law.

“Contract” means a written agreement or evidence of any tenancy that allows or provides for the Short-Term Rental of property.

“Hosting Platform” means a person or entity that participates in the Short-Term Rental business by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation. Hosting platforms usually, though not necessarily, conduct booking transactions through an internet-based platform that allows an operator or Owner to advertise a rental unit on a website provided by the Hosting Platform and potential renters to arrange use and payment, whether the renter pays rent directly to the operator, Owner or the Hosting Platform.

“Local Contact Person” means the person designated by the Owner who shall be available twenty-four (24) hours per day, seven days per week for the purpose of: (1) responding in person to the Short-Term Rental within thirty (30) minutes to complaints regarding the condition, operation, or conduct of occupants of the Short-Term Rental unit; and (2) taking remedial action to resolve any such complaints. The Local Contact Person must reside of the Coachella Valley.

“Multi-family Housing” means any complex, structure or a portion of a structure zoned, used and/or designated as rental dwellings and that includes two (2) or more independent dwelling units. This includes, but is not limited to, duplexes, triplexes, quadriplex, apartments, and townhouses.

“Occupant” means an individual of any age that is present on the Property during the duration of the Short-Term Rental contracted stay. An Occupant may also be a Responsible Person. Persons hired by the Owner to perform bona fide cleaning, maintenance, landscaping, construction, repair or similar services on the property will not be considered to be occupants, provided said persons are solely engaged in activities directly related to the services for which they were hired.

“Owner” means the person(s), corporation(s) or other legal entity(ies) that hold(s) legal and/or equitable title to the property used as a Short-Term Rental.

“Permit” and “Renewal Permit” means a permit that allows the use of a privately owned residential dwelling unit as a Short-Term Rental pursuant to the provisions of this Chapter.

“Permit Administrator” means the Finance Director or such other City employee as may be designated by the City Manager to administer the provisions of this Chapter.

“Property” means a residential legal lot of record on which a Short-Term Rental is located.

“Recreational Vehicle” shall mean a vehicle intended for temporary occupancy, with or without a motor, including without limitation any automobile, motorhome, travel trailer, truck campers, camping trailers, park trailers, fifth wheel trailers, house cars, trailer coaches, slide in or pop up campers, truck campers, tent trailers and any boat or house boat.

“Responsible Person” means the signatory on the Contract for a Short-Term Rental and/or any person(s) occupying the Short-Term Rental without a Contract and whom is legally responsible for ensuring that all Occupants of the Short-Term Rental comply with all Applicable Laws, Rules and Regulations pertaining to the use and occupancy of the subject Short-Term Rental unit.

“Short-Term Rental” means any privately owned residential dwelling as defined by the City’s zoning ordinance, that is offered for rent and/or rented by the Owner to another party with or without a Contract for occupancy, dwelling, lodging, or sleeping purposes for a period of not more than thirty (30) consecutive calendar days in exchange for any form of monetary or non-monetary consideration, including but not limited to trade, fee, swap or any other consideration in lieu of cash payment. The term “dwelling” does not include any impermanent, transitory, or mobile means of temporary lodging that is located on the same property as the Short-Term Rental, including but not limited to a vehicle parked on the property, storage sheds, mobile homes, recreational vehicles (RVs), car trailers, boats or similar watercrafts, or any temporary structure, including but not limited to camping tents and tree-houses.

### **§ 37.003 AUTHORIZED AGENT OR REPRESENTATIVE.**

An Owner may authorize an agent or representative to comply with the requirements of this Chapter on behalf of the Owner (“Owner’s Agent”), unless the requirement is to be fulfilled solely by the Owner. Notwithstanding, the Owner shall not be relieved from any personal liability for noncompliance with any provisions of this Chapter or with any Applicable Laws, Rule and Regulation pertaining to the use and occupancy of the subject Short-Term Rental, regardless of whether such noncompliance was committed by the Owner’s Agent or the Occupants of the Owner’s Short-Term Rental or their guests. Failure of an Owner’s Agent to comply with this Chapter shall be deemed non-compliance by the Owner.

### **§ 37.004 PERMIT REQUIREMENT.**

A. No Owner or any other person, shall advertise, cause, allow, conduct, permit, maintain or facilitate a Short-Term Rental at any residential dwelling unit in the City without first obtaining a Permit pursuant to this Chapter, and complying with all other applicable provisions of the Indio Municipal Code ("Municipal Code") such as the maintenance of a business license as set forth in Chapter 110 of the Municipal Code and compliance with the city's transient occupancy tax ordinance set forth in Chapter 34 of the Municipal Code.

B. Failure to obtain an initial Permit or Renewal Permit before renting and/or advertising the Short-Term Rental shall result in fines, penalties and other remedies as provided for in this Chapter, including but not limited to future denial of such permit.

C. The Permit shall be valid only for the number of bedrooms the City establishes as eligible for listing as a Short-Term Rental.

### **§ 37.005 SHORT-TERM RENTAL PERMIT APPLICATION.**

A. The Owner is required to submit an application, signed by the Owner and obtain a Permit from the City pursuant to the provisions of this Chapter, before renting any Short-Term Rental. The application shall be in the form provided for by the City and shall be submitted to the Permit Administrator.

B. The Short-Term Permit application and annual renewal application shall be accompanied by an application fee in the amount established by resolution of the City Council.

C. The Owner shall submit the following information and/or documents as part of its application or renewal application:

1. The name, address, telephone number and email address of the Owner of the Property.

2. A copy of the Owner's current state issued driver's license or identification card.

3. The name, address, telephone numbers and email addresses of any other natural persons, limited liability companies or personal or family trusts that hold any financial interests in the Property as well as copies of legal documents creating such financial interests.

4. The name, address, telephone number and email address of the Owner's authorized agent or representative, if any.

5. The name, address, telephone number and email address of the Local Contact Person available twenty-four hours a day.

6. The address of the Short-Term Rental.
7. The number of bedrooms and the applicable occupancy limit of the Short-Term Rental.
8. A parking plan indicating the areas where parking is legally available on the Property for all vehicles belonging to the Occupants.
9. The Uniform Resource Locator (URL) (i.e. website address) for any and all advertisements of the Short-Term Rental of the Property.
10. A photo of the front of the Short-Term Rental sufficient to allow the City to visually identify the unit.
11. An executed indemnification and hold harmless agreement in the form approved by the City Attorney.
12. Such other information as the Permit Administrator deems reasonably necessary to administer this Chapter.

D. If a Short Term Rental is located on a Property in any area governed by a homeowners' association or community association ("association") and subject to Covenants, Conditions and Restrictions ("CC&Rs"), the Applicant shall submit a letter from the association's governing board stating that the CC&Rs and the rules and regulations of the association do not prohibit Short Term Rentals from operating, including the Short-Term Rental proposed by the Applicant. For Short-Term Rentals subject to CC&Rs but not within an association, a copy of the CC&Rs shall be submitted with the application and the Applicant shall identify the relevant provisions that demonstrate that Short-Term Rentals are neither regulated nor clearly prohibited by the CC&Rs. A Permit shall not be issued where Short-Term Rentals are prohibited by the CC&Rs.

E. The Permit application shall include an affidavit signed by the Owner under penalty of perjury attesting that all the information in the application is correct and that the Owner maintains full responsibility that the Short-Term Rental shall be advertised, rented, operated and maintained in compliance with this Chapter and all other relevant provisions of the Municipal Code.

F. The Owner shall provide proof of general liability insurance that covers the rental of the Property as a Short-Term Rental in the aggregate sum of not less than one million dollars (\$1,000,000). Alternatively, the Owner can provide evidence that each rental occurs through a platform that provides equal or greater insurance coverage. Proof of insurance shall be provided at the time of both initial Permit and Renewal Permit issuance and shall remain in effect for the duration of the annual Permit. Failure to maintain liability insurance shall result in suspension of the Permit.

G. The permit application shall be accompanied by a consent to inspection form signed by the Owner of the property by which the Owner agrees and consents to a

building, fire and health and safety inspection in addition to the inspection fee in the amount established by resolution of the City Council. No inspection shall occur that is inconsistent with an individual's Fourth Amendment rights under the United States Constitution or otherwise in violation of rights guaranteed by law.

#### **§ 37.006 INSPECTION**

A. Prior to the issuance of a new permit or a renewal permit, the City shall conduct a building, fire and health and safety inspection of the Short-Term Rental for compliance with this Chapter, including verifying the number of bedrooms that were originally permitted and authorized under the original certificate of occupancy for the Property as well as verifying that no space has been converted into a bedroom or living space without all required permits. An inspection conducted by City staff will be required for every application for a new permit for a Short-Term Rental and every five years thereafter for the same Short Term Rental permit as long as the Owner has been in compliance with this Chapter. In the intervening years, the Owner shall renew the Permit in the manner set forth in this Chapter and in lieu of a City inspection, the Owner may submit a self-certification signed by the Owner on a form approved by the City. Notwithstanding, the City reserves the ability to require a City-conducted inspection at the time permit renewal for any reason.

B. The Owner of the Short-Term Rental shall ensure that the property complies with all applicable codes regarding fire, building, health and safety, zoning and all other laws and regulations. No permit shall be issued if the Short-Term Rental does not have functioning smoke and carbon monoxide detectors, HVAC, electricity or plumbing, or if the structure has been substantially modified in any way that required a building permit from the city and a permit was not obtained, or the city determines that any other conditions are present on the property that would present a threat to the health, safety or welfare of the Occupants.

C. Inspection of the Short-Term Rental by City staff shall be scheduled within thirty (30) days of receipt of a completed application. If corrections are required, the Owner shall complete the corrections within 30 days of being notified by the City. An extension may be provided by the Permit Administrator, however, failure to make the corrections shall result in the denial of the permit. A re-inspection (and accompanying re-inspection fee) may be required with respect to the corrections.

#### **§ 37.007 APPLICATION INVESTIGATION**

A. Upon receipt of a completed application, the Permit Administrator, shall cause an investigation of the applicant and the application as submitted. As part of the investigation, the number of bedrooms in a Short-Term Rental shall be verified by the Permit Administrator using County Assessor and/or City Building records, prior to the issuance of a Permit.

B. The City shall have up to thirty (30) days to process the application, however, no permit shall be issued until such time as the application investigation is complete. The applicant shall be notified of the result in writing.

## **§ 37.008 APPROVAL OR DENIAL OF PERMIT**

A. If, as a result of the investigation conducted by the City, the applicant is found to satisfy all of the requirements of this Chapter and no grounds for denial exist, the application shall be approved, and a Permit (or Renewal Permit) shall be issued to the applicant.

B. The Permit Administrator shall deny an application for a Permit (or Renewal Permit) or may revoke, suspend or modify a Permit if any of the following findings are made:

1. Information contained in the application, or supplemental information requested from the Applicant, is false or misleading in any material detail.
2. The Owner failed to provide a complete application, after having been notified of the requirement to produce additional information or documents.
3. The Owner is delinquent in payment of any city taxes, assessments, fines, or penalties in relation to Short-Term Rental.
4. If the Owner has had a prior Short-Term Rental Permit suspended or revoked or has been cited for violating any provision of the Municipal Code relating to any Short-Term Rental Property in the city within the past twelve (12) months.
5. The Applicant has failed to pay any previous administrative fines, remediate any other violations, and/or complete any other alternative disposition associated with a previous violation of this Chapter related to the operation of a Short-Term Rental.
6. If there is evidence that any governing documents, including CC&Rs, of a common interest development, or the rules or regulations enacted by the association governing the common interest development, prohibit the use of a property for Short-Term Rental purposes.
7. The Applicant has failed to demonstrate an ability to conform to the operational requirements and performance standards set forth in Section 37.012.
8. If, at the time the permit application is being submitted, the city has commenced any enforcement proceedings against the Owner with respect to the property for which the Owner seeks a Permit or renewal of a Permit.

9. The Short-Term Rental does not comply with all applicable codes regarding fire, building and safety and other relevant laws, ordinance or regulations, including any conditions placed on the Permit by the City.

If the permit application is denied, written notice of such denial and the reasons therefore shall be provided to the applicant.

C. The Permit Administrator shall have the authority to impose additional conditions on the Permit for the use of any Short-Term Rental to ensure that any potential secondary effects unique to the subject rental unit are avoided or adequately mitigated. Such conditions include but are not limited to, a mitigating condition that would require the installation of a noise monitoring device to keep time-stamped noise level data from the property that will be made available to the City upon City's reasonable request. or occupancy counting device that monitors the number of persons at the Property.

D. The Permit shall contain the name, address of the permittee, a description of the Short-Term Rental to be offered, the number of bedrooms eligible for listing, the maximum occupancy, the date of issuance and term of the permit, a permit registration number, and the signature of the Permit Administrator or his or her designee.

E. Within thirty (30) days of the issuance of the Short-Term Rental Permit or renewal of such permit, the City shall mail a notice to all owners and occupants of residences within five hundred (500) feet of the parcel boundaries of the Short-Term Rental notifying the residents that a permit has been issued and providing information regarding how to lodge complaints, if any, regarding the Short-Term Rental.

#### **§ 37.009 PERMIT NONTRANSFERABLE/NO PROPERTY RIGHTS**

A Permit granted pursuant to this Chapter shall not be transferable to another person, entity, assessor's parcel number or to another property Owner. In addition, the issuance of a Permit or Renewal Permit does not give the Owner any vested property rights and any such permit shall not run with the land or property to which it applies.

#### **§ 37.010 PERMIT EXPIRATION AND RENEWAL**

A. Permit shall be valid for twelve (12) months from the date of issuance, and shall automatically expire and become null and void on the anniversary date of its issuance or upon sale or transfer of the property. The Permit shall be renewed annually to remain valid. An invalid Permit is equivalent to not having a Permit.

B. An Owner may apply for a Permit Renewal on a form provided by the City submitted at least sixty days (60) days prior to the expiration of his or her active Short-Term Rental Permit. The Permit Renewal application shall be processed in the same manner as an application for a new permit and shall be approved or denied as set forth



in Section 37.008. Applications received after the deadline but before the expiration of the Permit may be accepted at the discretion of the Permit Administrator.

C. Payment of the renewal fee shall be paid with the submission of the Permit Renewal application.

D. Permit Renewals are subject to any intervening changes in this Chapter and renewal shall be denied if the Short-Term Rental no longer qualifies under the requirements of this Chapter, unless specifically exempted therefrom.

E. If a renewal application is not submitted and the fees not paid by the expiration of the existing permit, the Owner is required to submit an application for a permit as if it was a new Short-Term Rental accompanied by an application fee and a late penalty fee. The Short-Term Rental may also be subject to an inspection conducted by City staff.

**§ 37.011 CHANGE IN MAILING ADDRESS AND PROPERTY OWNERSHIP;  
CEASE USE AS A SHORT TERM RENTAL**

A. Upon a change of ownership of a Property licensed to operate as a Short-Term Rental, the Owner (i.e. seller of the Property) shall notify the City of such change immediately. The existing Permit is null and void and the Property shall cease operating as a Short-Term Rental immediately. The new owner may submit an application and an application fee for a new permit, which must be obtained prior to renting the subject property as a Short-Term Rental.

B. Within ten (10) days of a change in material facts pertaining to the information submitted by the Owner in the Permit application, the Owner shall submit an amendment to the application in the form provided by the City and the applicable fee. The City shall process the amendment in the same manner as a new application and after completion of its investigation shall notify the Owner of the result in writing.

C. Any changes to the Owner's, Owner's Agent and/or Local Contact Person's mailing and email addresses and/or telephone number and changes of the Local Contact Person shall be immediately submitted to the Permit Administrator and shall not require the submission of an application for a new Permit.

D. If an Owner determines to terminate the Short-Term Rental use, the Owner or Owner's Agent shall within ten (10) days notify the Permit Administrator and request cessation of the Short-Term Rental Permit. In such case, the Owner or Owner's Agent shall promptly remove any and all advertisements of the Short-Term Rental. No refunds shall be provided to the Owner in case of cancellation of the Permit.

**§ 37.012 OPERATIONAL REQUIREMENTS AND STANDARDS.**

A. Compliance by Owner, Agents and Occupants. The Owner and/or Owner's Agent shall use reasonably prudent business practices to ensure the Property used as a Short-Term Rental is used in a manner that complies with all Applicable Laws, Rules and

Regulations pertaining to its use and occupancy, an including applicable codes regarding fire, building and safety, and shall further use reasonably prudent business practices to ensure the Occupants of the Short-Term Rental do not create noise in violation of Chapter 95C of the Indio Municipal Code or other disturbances, engage in disorderly conduct, or violate any Applicable law, Rule or Regulation pertaining to the use and occupancy of the subject Short-Term Rental.

**B. Overnight Maximum Occupancy Limits.**

1. The Owner shall limit overnight occupancy of the Short-Term Rental to a specific number of occupants. Overnight occupancy shall not exceed four (4) persons plus no more than two (2) persons per bedroom within each Short-Term Rental as set forth in the chart below. As used in this Section, "overnight occupancy" shall mean during the hours of 10:00 p.m. through 8:00 a.m. of the following day.

<b>Bedrooms</b>	<b>Occupancy</b>
0-Studio	4
1	6
2	8
3	10
4	12
5	14
6	16
7	18
8 or more	20

2. Any Short-Term Rental located on a parcel or lot that is 14,500 square feet or more in size, may have a gathering of up to and including 40 persons. Such gatherings shall comply with the applicable operational standards and regulations of this Chapter except that no special event permit is required.

3. Any gathering of 25-39 persons at a Short-Term Rental located on a parcel or lot that is less than 14,500 square feet in size or a gathering of 41 persons or more at a Short-Term Rental, requires a special event permit pursuant to the process set forth in Section 159.476, et. seq. or as such other process as set forth in Section 37.021 of the Indio Municipal Code.

C. Minimum Age of Renter. The Owner shall not rent a Short-Term Rental to a person that is under the age of twenty-one (21).

D. Maintenance of Rental Contracts to City. Owners shall maintain all Short-Term Rental contracts (in electronic or paper form) for a period of three years from the date of occupancy. The exact number of occupants shall be included in the contract as well as all city municipal code requirements regulating occupancy limits, noise, outdoor amplified music prohibition, public nuisance, parking, trash, no commercial activities and other code requirements related to the use and occupancy of the Short-Term Rental.

E. Submission of Informational Form. The Owner shall obtain from the Responsible Person an "Informational Form," in the form provided by the City which contains but is not limited to the following: (a) the name, address, telephone number and a copy of the valid government identification of the Responsible Person; (b) a list of the names of all Occupants of the Short-Term Rental; and (c) a list of all vehicle information and license plate numbers of the Responsible Person and Occupants and guests. The Permit Administrator is authorized to amend the information required in the Informational Form pursuant to adoption of an administrative regulation as set forth in Section 37.021.

F. Prior to Occupancy Procedures. Prior to occupancy of a Short-Term Rental, the Owner or Owner's agent or representative shall advise of or require the following from the Responsible Person:

1. Provide the Responsible Person with the Local Contact Person's twenty four hour availability information;

2. Require the Responsible Person to execute the Informational Form and an acknowledgement form, which provides that Responsible Person understands that he or she is legally responsible for compliance by all occupants of the Short-Term Rental and their guests with compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short-Term Rental and that the Responsible Person must be present at the property during the duration of the Short-Term Rental period ("Acknowledgement Form").

Both the "Informational Form" and the "Acknowledgement Form" shall be maintained by the Owner for a minimum of three years and be made readily available upon request of the City.

G. Posting of Permit and Owner's Local Contact Person. The Owner shall post a copy of the Short-Term Rental Permit, the name and phone number of the Local Contact Person and a notice in the form required by the city of the applicable regulations near the primary entrance inside of the Short-Term Rental.

H. 24-Hour Availability. During the period of a Short-Term Rental, the Owner or Owner's Agency and/or the Owner's Local Contact Person shall be available twenty four (24) hours per day, seven (7) days per week to respond to complaints from third parties regarding the condition, operation, or conduct of the occupants of the Short-Term

Rental, including responding in person at the location of the Short-Term Rental. The Local Contact Person's response to complaints can be made by telephone, text message or in person, however, in no event shall the response time exceed 15 minutes if responding by telephone or text or 45 minutes if an in-person response is required because of the severity of the complaint. If the Local Contact Person is contacted directly by the City, the Local Contact Person shall respond within 15 minutes of the City's telephone call or text message. If the City requests an in-person response, the Local Contact person shall respond in person at the location of the Short-Term Rental within 45 minutes of the City's request. In all circumstances, complaints that the Occupants of the Short-Term Rental has created unreasonable or unlawful noise or disturbances in violation of Chapter 95 of the Municipal Code or the provisions of this Chapter or is engaging in disorderly conduct, requires an in-person response by the Local Contact Person.

I. Amplified Sound. At a minimum, the Occupants of the Short-Term Rental shall comply with the noise standards identified in Chapter 95C of the Municipal Code. Notwithstanding any other provision of the Municipal Code, no radio receiver, musical instrument, phonograph, compact disk player, loudspeaker, karaoke machine, sound amplifier, or any machine, device or equipment (including a cellular phone or other similar device) that produces or reproduces any sound that is audible from the outside of any Short-Term Rental beyond the property line between the hours of 9:00 p.m. to 8:00 a.m. Sunday through Thursday and 10:00 p.m. and 8:00 a.m. Friday and Saturday. Any machine, device or equipment that amplifies music inside any Short-Term Rental shall not be heard beyond the property line of the Short-Term Rental at all times at any time of day or night.

J. Noise Outside of Short-Term Rental. Occupants of the Short-Term Rental shall be prohibited from using all outdoor amenities and/or engaging in outdoor games or any outdoor activities that create noise between the hours of 9:00 p.m. to 8:00 a.m. Sunday through Thursday and 10 p.m. and 8 a.m. Friday and Saturday. A sign stating these restrictions must be clearly visible near any such spa/pool and posted on all interior doors leading to the exterior amenities.

K. Trash Containers. The Owner and/or Occupants shall not allow trash and refuse to be stored within public view, except in proper containers for the purpose of collection by the City's authorized waste hauler on scheduled trash collection days and in compliance with Section 95A of the Municipal Code. The Owner of the Short-Term Rental shall provide sufficient trash collection containers and service to meet the demand of the occupants.

L. No Commercial Vehicles or Storage of Delivered Materials. The Short-Term Rental use shall not involve the use of commercial vehicles for the delivery of materials to and from the premises beyond those commercial vehicles normally associated with residential uses nor storage of delivered materials beyond those items which would normally be associated with a residential use of property by the Owner, or any occupant.

M. No Commercial Activities. The Owner shall use reasonably prudent business practices to ensure that the Short-Term Rental is used for residential purposes only.

N. Retention of Residential Character. The Owner of a Short-Term Rental shall not change the residential character of the outside appearance of the residence, either by the use of colors, materials, lighting or and advertising mechanism.

O. Required Information for Advertisements. The Owner shall include the current permit registration number on or in any advertisement appearing in any newspaper, magazine, brochure, television trade paper, internet website, etc., that promotes the availability or existence of the Short-Term Rental in a place or location deemed acceptable by the Permit Administrator in the following format: "City of Indio Short-Term Rental Permit No. \_\_\_\_". In the case of audio-only advertising of the same, the permit number shall be read as part of the advertising. In addition, the following shall be clearly identified in any advertisement: (1) maximum occupancy; (2) the number of permitted bedrooms; (3) maximum number of vehicles allowed; and (4) a photo of the front of the Short-Term Rental.

P. Transient Occupancy Tax. The Owner and/or Owner's Agent shall comply with all provisions of §§ 34.35 through 34.48 of the Municipal Code concerning transient occupancy taxes, including, but not limited to, submission of a return in accordance with § 34.41 of the Municipal Code, which shall be filed even if the vacation rental unit was not rented during each such reporting period.

Q. Submission of Internet Listings. All internet listing sites (e.g. website URLs) and listing numbers associated with a Short-Term Rental shall be submitted to the City by the Owner or Owner's Agent within thirty days of approval of the Short-Term Rental Permit and any revisions thereafter shall be submitted to the Permit Administrator.

R. Modification of Operational Requirements and Standards. The operational requirements and standards may be modified by the Permit Administrator upon request of the Owner based upon site-specific circumstances for the purpose of allowing reasonable accommodation of a Short-Term Rental occupant as may be required by state or federal disability laws. All requests must be in writing and shall identify how the strict application of the standard conditions creates an unreasonable hardship to a property such that, if the requirement is not modified, reasonable use of the property for a Short-Term Rental would not be allowed. Any hardships identified must relate to physical constraints to the subject site and shall not be self-induced or economic. Any modifications of the standard conditions shall not further exacerbate an already existing problem.

### **§ 37.013 SHORT-TERM RENTAL REGISTRY.**

The City shall maintain an online registry of active Short-Term Rental Permits, which Hosting Platforms may reference and reply upon for the purposes of complying with Section 37.014 of this Code. If a residential dwelling or other property purporting to be a Short-Term Rental matches with an address, permit number, and/or current and valid permit dates set forth in the City's online registry, the Housing Platforms may

presume that the residential dwelling or other property has a current and valid Short-Term Rental Permit.

#### **§ 37.014 HOSTING PLATFORM REQUIREMENTS**

A. Hosting Platforms shall be responsible for collecting all applicable transient occupancy tax and remitting the same to the city. e.

B. Subject to applicable laws, Hosting Platforms shall disclose to the city on a regular basis each short-term rental listing located in the city, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay.

C. Hosting Platforms shall be required to prompt hosts to include the City-issued permit registration number in their listing(s), in a format designated by the City. Hosting Platforms shall not complete any booking transaction for any residential dwelling or other property purporting to be a short-term rental in the City unless it is listed on the City's registry created under Section 37.013, at the time the hosting platform receives a fee for the booking transaction.

D. A Hosting Platform operating exclusively on the internet, which operates in compliance with subsections A, B and C above, shall be presumed to be in compliance with this chapter.

E. The provisions of this section shall be interpreted in accordance with otherwise applicable state and federal law(s) and will not apply if determined by the City to be in violation of, or preempted by, any such law(s).

#### **§ 37.015 PROHIBITED ACTIVITIES**

A. No person, including an Owner, shall rent, offer to rent, or advertise for rent a balcony, patio, swimming pool or other outdoor area of a Short-Term Rental ("outdoor area") if such rental does not occur in connection with the rental of the remaining residence or dwelling to which the outdoor area is attached.

B. No person, including an Owner, shall charge a fee or request or require a donation for entrance into any Short-Term Rental.

C. No person, including an Owner, shall rent, offer to rent, or advertise for rent structures not built for habitable use such as but not limited to tents, trailers, tree houses, garages, storage sheds and the like, or any open space on the Property as a Short-Term Rental.

D. No person, including an Owner, shall rent, offer to rent, or advertise for rent any impermanent, transitory, or mobile means of temporary lodging that is located on the same property as the Short-Term Rental, including but not limited to a vehicle parked on the property, a storage shed, mobile homes, Recreational Vehicles, car trailers, boats or

similar watercrafts, or any temporary structure, including but not limited to camping tents and tree-houses.

E. No person, including an Owner, shall rent, offer to rent, or advertise for rent one or more Short-Term Rentals as part of a cluster or compound. A Short-Term Rental cluster or compound is prohibited.

F. A person who is renting a Short-Term Rental is prohibited from subleasing such dwelling unit, or any portion thereof, to any other person or entity.

G. The lessee of a long term rental property which includes but is not limited to a condominium, Multi-family Housing, single family dwelling, accessory dwelling unit, junior accessory dwelling units, mobile home or house trailer on a residential lot or within a mobile home park, or a month-to-month renter of such properties, is prohibited from using their leased or rented property as a Short-Term Rental.

H. The owner, lessee or renter of a mobile home, a manufactured or pre-fabricated house or of a commercial or industrial structure is prohibited from using such property as a Short-Term Rental.

I. The owner, lessee or renter of a Recreational Vehicle is prohibited from using such property as a Short-Term Rental.

J. The owner, lessee or renter of an accessory dwelling unit or junior accessory dwelling unit as those terms are defined in the Municipal Code is prohibited from using such property as a Short-Term Rental.

K. Commercial activities and special events, including but not limited to, weddings, receptions, large parties and sales events are prohibited on the property used as a Short-Term Rental unless a special event permit is obtained pursuant to Section 159.476 or as set forth in Section 37.021.

### **§ 37.016 PERMIT SUSPENSION, MODIFICATION OR REVOCATION**

A. In addition to any other remedy provided by this chapter, the Permit Administrator may suspend, modify or revoke a Short-Term Rental Permit for violations of this Chapter, for violation of any other law on the premises of the Short-Term Rental, or for the maintenance of such other conditions as may be shown to be injurious to the public health and safety or if the applicant made any false, misleading or fraudulent statement of a material fact in the application for permit, or any report or record required to be filed pursuant to this Chapter. The permit holder shall be notified in writing of the grounds for denial or for suspension, modification or revocation of the Short-Term Rental and shall be notified of their right to appeal the decision.

B. The Permit Administrator may revoke a Short-Term Rental Permit for a third or subsequent violation related to permitting or noise during the permit term. This section, however, shall not limit or prevent the Permit Administrator from revoking a Short-Term Rental Permit for any single violation of this Chapter.

C. An Owner whose Permit is revoked may not apply for a new Short-Term Rental Permit until one year after the date of revocation.

D. If a Permit is suspended, revoked or denied, all property owners and occupants of residences within five hundred (500) feet of the parcel boundaries of the Short-Term Rental shall be provided written notice within ten days of such action.

**§ 37.017 NOTICE AND APPEALS**

A. The denial of an application for a Short-Term Rental Permit or the renewal of such permit, or the revocation, suspension or modification of such Permit, may be appealed by submitting a written appeal form detailing the basis for the appeal and any additional documentation the appellant would like to be considered.

B. The completed appeal form must be delivered to the City Clerk within fifteen (15) days from the date of the letter denying the application for a Permit or Renewal Permit or revoking, modifying or suspending the Permit was sent. The appeal form must include payment of a non-refundable appeal fee in the amount established by resolution of the City Council. Failure to deliver the completed appeal form and/or appeal fee as required by this paragraph will result in the denial or revocation, suspension or modification being deemed as final.

C. While the appeals process is pending, the appellant is prohibited from engaging in the Short-Term Rental of the Property and the Short-Term Rental Permit at issue shall not be valid.

D. Once a timely appeal form has been received by the City Clerk, a hearing on the matter shall be scheduled before the City Manager within twenty (20) days of an appeal being filed. The appeal hearing shall be open to the public. The decision of the City Manager or the designee shall be in writing and shall set forth the findings and reasons for the decision. The decision of the City Manager is final.

E. If an appeal is filed, all property owners and occupants within five (500) hundred feet of the parcel boundaries of the Short-Term Rental shall be notified of the time, date, and location of the appeal hearing and shall be afforded the right to testify during the hearing.

**§ 37.018 VIOLATIONS AND PENALTIES.**

A. Operating a Short-Term Rental without a valid permit is prohibited. Advertising shall be prima facie evidence of operation. Additional evidence of operation may include, but not limited to guest testimony, online reviews, rental agreements or any other information deemed relevant by the City.

B. Any person violating the provisions of this Chapter, including without limitation the Owner, Responsible Person, Occupants and the Local Contact Persons



may be subject to administrative and/or judicial remedies as set forth herein. The Owner of a Short-Term Rental shall be deemed responsible for all violations of this Chapter occurring at the Short-Term Rental or in connection with its operation, provided that this shall not preclude the City from issuing fines or citations to occupants, or exercising other remedies against occupants, if the Responsible Person or Occupants are deemed to have committed the violation.

C. Any person who violates any provision of this Chapter is guilty of a misdemeanor. Such violation is punishable as set forth in § 10.99 of this code. Each and every day, or portion thereof, that a violation of this chapter exists constitutes a separate and distinct violation.

D. Alternatively, any person who violates any provision of this Chapter may be issued an administrative citation in accordance with Chapter 11 of this code. The amount of the administrative fine shall be set forth in a schedule of fines adopted by resolution of the City Council. Each and every day such a violation exists shall constitute a separate and distinct violation of this chapter.

E. In addition to the foregoing, a violation of any provision of this chapter shall constitute a public nuisance and shall be subject to abatement by the city by means of a civil action or administrative abatement pursuant to chapter 95A of this code, and each day such condition continues it shall be regarded as a new and separate offense.

F. This remedies provided for in this section are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by the city to address any violation of this chapter.

### **§ 37.019 RECORDKEEPING**

Each Owner shall maintain all written records related to the use and occupancy of the Short-Term Rental, including but not limited to compliance with the operational requirements and standards set forth in Section 37.010, for a period of three (3) years, for the purpose of inspection or audit to determine that the objective and conditions of this Chapter are being fulfilled.

### **§ 37.020 REQUIREMENTS NOT EXCLUSIVE.**

The requirements of this Chapter shall be in addition to any license, permit or fee required under any other provision of the Indio Municipal Code. The issuance of any permit pursuant to this Chapter shall not relieve any person of the obligation to comply with all other provisions of the Indio Municipal Code pertaining to the use and occupancy of the Short-Term Rental or the property on which it is located.

### **§ 37.021 ADMINISTRATION AND ADMINISTRATIVE REGULATIONS.**

In order to facilitate orderly administration of this Chapter, the Permit Administrator shall have the authority to make interpretations of this Chapter and to promulgate

administrative regulations consistent with the provisions of this Chapter for the purpose of interpreting, clarifying, carrying out, furthering and enforcing the requirements and provisions herein. A copy of such administration regulations shall be on file in the Office of the City Clerk.

**Section 3.** Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council of the City of Indio hereby declares that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 4.** Publication. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published in the manner prescribed by law.

**Section 5.** Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

**PASSED, APPROVED AND ADOPTED** this 1st day of December, 2021.

  
\_\_\_\_\_  
Waymond Fermon  
Mayor

ATTEST:

  
\_\_\_\_\_  
Cynthia Hernandez, CMC  
City Clerk

**CERTIFICATION**

I, Sabdi Sanchez, City Clerk Administrator of the City of Indio, California, hereby certify that **Ordinance No. 1766** was duly and regularly adopted at a meeting of the City Council of said City at its meeting held on the 1st day of December 2021 by the following vote, to wit:

Ayes: Holmes, Miller, Ramos Amith, Mayor Pro Tem Ortiz and Mayor Fermon  
Noes: None

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Indio, California, this 1st day of December 2021.



---

SABDI SANCHEZ, CMC  
City Clerk Administrator  
City of Indio

