



Posted: Wednesday, December 09, 2020

NOTICE AND CALL OF A SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a special meeting on
THURSDAY, DECEMBER 10, 2020, at 5:30 PM

**THIS MEETING WILL BE HELD VIA WEBEX VIDEOCONFERENCE
CLOSED SESSION WILL BEGIN AT 5:00PM**

In accordance with Executive Order N-29-20 this meeting will be held via videoconference, and will be hosted on the **Cisco Webex Platform**. Learn more about Webex here: <https://www.webex.com/>

PUBLIC COMMENT: Public comment may be submitted via email in advance of the meeting, or in an orderly process during the conference. If you do not have access to email and you would like to provide a written statement, please deliver your comment to 409 Trinity Street, Trinidad CA, by 2:00pm on the meeting day.

Email public comments to cityclerk@trinidad.ca.gov Your comments will be included in the public record for the meeting, and will be accepted at any time during the meeting.

HOW TO PARTICIPATE: The City will publish a direct link to the conference, along with the participant code, on the City Calendar page online at <http://trinidad.ca.gov/calendar>

To phone in, dial 1-844-531-0749. Meeting Number (access code): 179 618 4126. Password: yRYhBgyr387

I. CALL TO ORDER

II. CLOSED SESSION

1. Initiation of litigation pursuant to 54956.9(c): One Potential Case, Facts and Circumstance Unknown to Adverse Party.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF AGENDA

V. ITEMS FROM THE FLOOR

At this time, members of the public may comment on items NOT appearing on the agenda. Individual comments will be limited to 3 minutes or less. Comments should be directed to the Council as a whole and not to individual Council Members or staff. Council and staff responses will be minimal for non-agenda items.

VI. CONSENT AGENDA - No consent items

IX. DISCUSSION/ACTION AGENDA ITEMS

1. Review/Consider/Adopt COVID-19 Short-Term Rental Moratorium, City of Trinidad Urgency Ordinance No. 2020-03.

VII. FUTURE AGENDA ITEMS

VIII. ADJOURNMENT

TRINIDAD CITY HALL
P.O. BOX 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

STEVE LADWIG, MAYOR
GABRIEL ADAMS, CITY CLERK



URGENCY ORDINANCE NO. 2020-03

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, CALIFORNIA,
APPROVING A CITYWIDE MORATORIUM PROHIBITING THE NON-ESSENTIAL OPERATION OF
SHORT-TERM RENTALS WITHIN THE CITY OF TRINIDAD AND DECLARING THE URGENCY
THEREOF**

THE CITY COUNCIL

City of Trinidad, California

THE CITY COUNCIL OF THE CITY OF TRINIDAD DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. TITLE.

This Ordinance shall be known as the Covid-19 Short Term Rental Moratorium Ordinance.

SECTION 2. AUTHORITY AND EFFECT

A. This Urgency Ordinance is enacted pursuant to the authority conferred upon the City Council of the City of Trinidad (the "City") by California Government Code Sections 36937(b) and 65858, and shall be in full force and effect immediately upon its adoption by a four-fifths (4/5ths) vote of the City Council of the City of Trinidad as if, and to the same extent that, such ordinance had been adopted pursuant to each of the individual sections set forth herein.

SECTION 3. DEFINITIONS

The following definitions are applicable to this Urgency Ordinance, unless the context clearly indicates otherwise:

- A. "Rental," "rent," "rented," or "renting" includes, but is not limited to, rental of the property for any form of monetary or non-monetary consideration, including but not limited to money, goods, or services, as well as in-kind exchanges of goods, services, or premises.
- B. "Short-term Rental (STR)" means a lodging facility, hotel, bed and breakfast facility, single family dwelling, multi-family unit, bedroom of a primary residence, accessory dwelling unit (Gov't Code Section 65852.2), junior accessory dwelling unit (Gov't Code Section 65852.22), or Vacation Dwelling Unit (Trinidad Municipal Code (TMC) Section 17.53.020) within all zones within the City of Trinidad that support or include residential uses, whether as a permitted use or conditionally permitted use, which is rented to one or more guests for compensation for the purpose of lodging for a period of thirty (30) or fewer consecutive days. "Short-term Rental" encompasses such dwelling units regardless of whether the owner, permanent occupant or other Responsible Party is present during the rental period. For purposes of this definition, "for compensation" includes, but is not limited to, rental of the property for any form of monetary or non-monetary consideration, including but not limited to money, goods, or services, as well as in-kind exchanges of goods, services, or premises.
- C. "Responsible Party" means any person(s) or entity(ies) that hold(s) legal and/or equitable title to the Short-term Rental, including any property owner, lessee or tenant, or any agent or representative thereof,

who causes or permits any violation of this ordinance. To cause or permit includes failure to correct or cause correction after receiving notice from the City of the violation.

D. Vacation Dwelling Unit shall have the same meaning as said term is defined in Trinidad Municipal Code (TMC) Section 17.53.020.

SECTION 4. URGENCY FINDINGS

A. The international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "Coronavirus Disease 2019," abbreviated COVID-19; and

B. On March 4, 2020, the Governor of the State of California proclaimed a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare to fight the broader spread of COVID-19; and

C. On March 12, 2020, the Governor of the State of California issued Executive Order N-25-20 providing that all residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19, while permitting local legislative bodies to hold public meetings via teleconferencing and to making public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body, during the period in which local public officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events; and

D. Since then, COVID-19 has and continues to spread globally. On March 3, 2020, Governor Newsom declared the existence of a state of emergency for the State of California; and on March 11, 2020, the Director-General for the World Health Organization declared that COVID-19 can be characterized as a "pandemic." On March 13, 2020, the President of the United States declared that the outbreak of COVID-19 in the United States constitutes a national emergency.

E. On March 19, 2020, the Governor issued Executive Order N-33-20 ordering that to protect public health, that all individuals living in the State of California stay home or at their place of residence ("Shelter in Place") except as needed to maintain continuity of operations of the critical infrastructure sectors, as outlined at <https://www.cisa.gov/critical-infrastructure-sectors>; and

F. On March 20, 2020, the Health Officer of the County of Humboldt issued an Order directing all individuals to shelter at their place of residence, prohibiting all non-essential gatherings of any number of individuals, and ordering cessation of all non-essential travel.

G. On November 16, 2020 in response to an unprecedented increase in new infections Governor Newsom amended the June 18 mask mandate to strengthen the protections already in place. Requiring masks be worn in all indoor spaces, when within six feet of another person outside, and to carry a mask with them which they can don if they come within six feet of anyone outside their household.

H. As of the adoption date of this Ordinance, Humboldt County has currently been placed in the "purple tier" for COVID-19 concerns by the State of California, namely a measure indicating a very high rate of COVID-19 infection and spread, potentially threatening critical health services and response.

I. While travel and vacationing has decreased as a result of the COVID-19 pandemic, the use of short-term vacation rentals presents unique threats in light of the pandemic to small communities like Trinidad. As such, unregulated use of short-term vacation rentals presents a substantial threat to the public health, safety, and welfare of the City's residents as the City continues to grapple with the COVID-19 pandemic and the continuing threat of infection of its residents. Since COVID-19 has an incubation period of up to 14 days and people can carry the disease and be asymptomatic, individuals who travel on vacation without proper social

distancing and adherence to health and safety measures can contribute to the spread of the disease, and the use of short-term vacation rentals serves as a vector of this disease.

J. Based on the foregoing, it is urgent the City temporarily prohibit the use and operation of short-term vacation rentals for non-essential services, as described herein.

SECTION 5. MORATORIUM AND TERM

A. Based on the foregoing, the City Council finds and declares there is a current and immediate threat to the public health, safety or welfare and upon that basis has determined an urgency ordinance pursuant to Government Code Sections 36937(b) and 65858 is warranted and shall take effect immediately upon adoption by a four-fifths vote of the City Council.

B. That a Temporary Moratorium is hereby imposed on the rental of any Short-Term Rentals (STR's) in the City of Trinidad, except for the provision of lodging to persons providing essential services, which are specifically defined to include (1) visiting health care workers; (2) first responders; (3) contractors involved in fighting COVID-19; and (4) contractors providing critical road, water, sewer and utility infrastructure services to Humboldt County, California.

C. After December 14, 2020, and for the next ninety (90) consecutive calendar days, terminating on March 14, 2021 (unless extended/or ended by a subsequent vote of no less than four-fifths of the City Council).

SECTION 6. PROTOCOL FOR REPORTING AND AUDITING COMPLIANCE AND REMEDIES FOR VIOLATION.

- A. Reporting and Compliance Audits. In order to assure compliance with this ordinance, every Vacation Dwelling Unit and STR operator shall, during the time period this ordinance remains in effect and prior to commencement of occupancy of any Vacation Dwelling Unit or STR by a renter, provide written notice of the proposed occupancy to the City of Trinidad (contact information below) as follows: the name of the renter and information regarding the qualifying essential service the renter will provide during the period of Vacation Dwelling Unit or STR occupancy. The notice shall be provided as follows: (if by email) attention Eli Naffah, City Manager (citymanager@trinidad.ca.gov) with copy to Angela Zetter (azetter@trinidad.ca.gov); (if by telephone) attention Eli Naffah, City Manager (707) 499-6401). In addition to the foregoing and in accord with TMC Section 17.53.150, each owner, agent and/or representative of any owner shall provide access to each Vacation Dwelling Unit or STR and any records related to the use and occupancy of the Vacation Dwelling Unit or STR to the City Manager and staff, at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this ordinance are being fulfilled.
- B. Remedies for Violation. Any use or condition caused, or permitted or allowed to exist, continue or remain in violation of any provision of this ordinance, and specifically the restriction stated in Section 5.B., above, shall be, and is hereby declared to be, a public nuisance. Violations of this ordinance shall be punishable by a civil penalty pursuant to Government Code section 36901 in an amount up to, but not to exceed, \$1,000.00 per violation. Violations of this ordinance may be abated on a summary basis per TMC 8.12.060, pursuant to California Code of Civil Procedure Section 38773 or through any other remedy provided for by law. It shall be unlawful for any responsible party to violate any provision or to fail to comply with any of the requirements of this ordinance. If the City is the prevailing party in any proceeding to enforce any violation of this ordinance, recovery of costs, fines, penalties, and/or attorney's fees shall be in accordance with the TMC or as otherwise provided by law, including, but not limited to Government Code Sections 38773.1, and 38773.5. Upon the second or subsequent civil or criminal judgment issued within a two-year period finding that a property owner is responsible for a nuisance condition, said property owner may be liable to triple the costs of abatement, per Government Code Section 38773.7.

SECTION 7. CEQA.

The City Council finds this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 8. RECITALS; URGENCY.

Based on the foregoing recitals, findings, and all facts of record stated before the City Council, the City Council finds and determines that the immediate preservation of the public health, safety and welfare requires that this ordinance be enacted as an urgency ordinance pursuant to California Government Code Sections 36937 and 65858(a).

SECTION 9. EFFECTIVENESS; VOTING REQUIREMENTS.

This ordinance is hereby declared to be an urgency measure and shall become effective immediately pursuant to California Government Code Sections 36937 and 65858, upon adoption by at least a four-fifths (4/5) vote of the City Council.

SECTION 10. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 11. CERTIFICATION OF PASSAGE.

The City Clerk shall certify as to the passage and adoption of this urgency ordinance, and the City Clerk shall cause the same to be posted in the manner required by law.

Adopted by the City of Trinidad on December 10, 2020, by the following vote:

- Ayes:
- Noes:
- Abstain:
- Absent:

Attest:

Gabriel Adams
Trinidad City Clerk

Steve Ladwig
Mayor

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Trinidad City Council.

Published: To be published in its entirety