

**ORDINANCE NO. 866**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX ADDING  
NEW CHAPTER 5.57 ENTITLED "SHORT-TERM RENTAL PROGRAM"**

The Town Council of the Town of Fairfax hereby finds that:

**WHEREAS**, the Town Council finds that the growth of short-term rentals may lead to neighborhood conflicts unless appropriate rules are established and understood by property owners, community members, and decision makers; and

**WHEREAS**, the Town Council desires to regulate the renting of residential dwelling units for periods of 30 consecutive days or less; establish a procedure for reviewing and approving short-term rental permit applications; and establish location, parking, occupancy, and other standards for short-term rentals to limit the potential impact on neighbors; and

**WHEREAS**, numerous short-term rentals have already been operating in the Town of Fairfax without payment of Hotel Users taxes to the Town and without appropriate regulations in place; and

**WHEREAS**, the Town Council has determined that it is necessary to regulate the short-term rentals to ensure that the short-term rental activities do not become a nuisance or threaten the public health safety or welfare of neighboring properties, while also assuring that their existence is regulated in a manner that allows the Town to maintain its long-term rental housing stock in Fairfax; and

**WHEREAS**, the Town Council desires to provide a short-term rental program that will allow residents to mitigate housing costs by supplementing their income from their primary residences, while minimizing adverse impacts on the housing supply and on persons and households of all income levels that could result from the loss of residential units through their conversion to tourist home use; and

**WHEREAS**, on June 1, 2022, the Town Council held a duly noticed public hearing to introduce and consider the proposed amendments and public comments thereon.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF FAIRFAX DOES  
ORDAIN AS FOLLOWS:**

**Section 1.** The above recitals are true and correct and are hereby incorporated into this Ordinance.

**Section 2.** Title 5 (Business Taxes, Licenses and Regulations) of the Fairfax Town Code is hereby amended by adding new Chapter 5.57 entitled "Short-Term Rental Program" to read in its entirety as follows:

## **CHAPTER 5.57: SHORT-TERM RENTAL PROGRAM**

<b>Section</b>	<b>5.57.010</b>	<b>Purpose and intent</b>
	<b>5.57.020</b>	<b>Violations a public nuisance; penalties, nuisance abatement, and other remedies</b>

### **§ 5.57.010 PURPOSE AND INTENT.**

Notwithstanding any other provision of this title, all short-term rentals as defined in Section 17.008.020 of this code, and also known as "tourist home" as included in the definition of "hotel" in Section 3.32.010 of this code, as may be amended or superseded, are subject to the policies and procedures specified in the Town Council's "policies and procedures for the administration of the 'short term rental program' as set forth in Fairfax Town Code Chapter 5.57" ("Program"), as adopted and amended from time to time by Town Council resolution, and all short-term rentals shall comply with such policies and procedures.

### **§ 5.57.020 VIOLATIONS A PUBLIC NUISANCE; PENALTIES, NUISANCE ABATEMENT, AND OTHER REMEDIES.**

Any short-term rental operated, conducted, or maintained contrary to the provisions of this chapter and/or the Program shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the Town Attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in the manner provided by law. Such remedies shall be in addition to any other judicial and administrative penalties and remedies available to the Town under Chapters 1.08, 1.10, or 1.12 of this code, or under state law.

**Section 3. Compliance with California Environmental Quality Act.** This Ordinance has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA) and the State CEQA Guidelines and it has been determined that approval of the ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions without any physical project being approved, it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment. The Town Council concurs in these findings and adopts them as its own.


**Section 4. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The Town Council hereby declares that it would have

passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.


**Section 5. Effective Date and Posting.** This Ordinance shall be effective thirty (30) days after the date of its passage and adoption. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; and 3. Bulletin Board, Fairfax Women's Club.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the 1st day of June 2022, and duly adopted at the next regular meeting of the Town Council on the 6th day of July 2022, by the following vote, to wit:

AYES: ACKERMAN, COLER, CUTRANO, GODDARD, HELLMAN  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
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Stephanie Hellman, Mayor

ATTEST:

  
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Michele Gardner, Town Clerk