

**ORDER OF THE CITY COUNCIL  
OF THE CITY OF RANCHO MIRAGE**

**SEPTEMBER 3, 2020**

**SHORT-TERM RENTAL  
COVID-19 EMERGENCY ORDER**

**WHEREAS**, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “Coronavirus Disease 2019,” abbreviated COVID-19, (“COVID-19”); and

**WHEREAS**, 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 for broader spread of COVID-19; and

**WHEREAS**, on March 7, 2020, Riverside County Public Health Officer Dr. Cameron Kaiser declared a Local Health Emergency, citing Riverside County’s first locally acquired case of COVID-19; and

**WHEREAS**, on March 10, 2020, the Riverside County Board of Supervisors ratified the Local Health Emergency and activated the Medical Health Department Operations Center to better coordinate public messaging and planning among community partners as Riverside County officials prepare for the spread of COVID-19; and

**WHEREAS**, on March 11, 2020, the California Department of Public Health issued guidance that in order to protect public health and slow the rate of transmission of COVID-19, large gatherings of 250 people or more at concerts, conferences, and professional, college, and school sporting events should be postponed or canceled for at least the remainder of the month of March 2020 and that smaller gatherings held in venues such as crowded auditoriums, rooms or other venues that do not allow social distancing of six feet per person should be postponed or canceled; and

**WHEREAS**, 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 and that authorized local legislative bodies are permitted to hold public meetings via teleconferencing and to make 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

**WHEREAS**, on March 12, 2020, the Riverside County Public Health Officer ordered the cancellation of all events within the jurisdiction of the Public Health Officer of the County of Riverside with an expected attendance of at least 250 individuals taking place, regardless of venue; and

**WHEREAS**, on March 13, 2020, the President of the United States of America proclaimed and declared a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

**WHEREAS**, on March 16, 2020, the Governor issued Executive Order N-28-20 waiving certain requirements related to residential and commercial evictions and foreclosures to allow local jurisdictions more flexibility to prohibit residential and commercial evictions and foreclosures through May 31, 2020; and

**WHEREAS**, on March 16, 2020, the Riverside County Public Health Officer ordered the prohibition of all gatherings within the jurisdiction of the Public Health Officer of the County of Riverside with an expected presence of at least 10 individuals taking place, regardless of venue; and

**WHEREAS**, Rancho Mirage Municipal Code Chapter 2.52 “Disaster Operations and Relief” defines a “State of Emergency” to mean the duly proclaimed existence of actual or threatened conditions of disaster or of extreme peril to the safety of persons and property within the City of Rancho Mirage caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, including conditions resulting from war or imminent threat of war, which conditions are, or are likely to be, beyond the control of the services, personnel, equipment and facilities of the city, requiring combined forces of other political subdivisions to combat; and

**WHEREAS**, Rancho Mirage Municipal Code Chapter 2.52 further provides that a “State of Emergency” may be declared for good and sufficient reason by the City Manager, if the City Council is not in session, subject to the City Council subsequently taking action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect; and

**WHEREAS**, on March 16, 2020, pursuant to Rancho Mirage Municipal Code Chapter 2.52, the City Manager, issued a “Proclamation of the Existence of a Local State of Emergency” for the purpose of assisting in a coordinated public health response to reduce transmission and illness severity, provide assistance to health care providers, coordinate and mitigate public services that may be disrupted from this emergency, and mitigate any other negative impacts of this emergency on the citizens of the City of Rancho Mirage; and

**WHEREAS**, on March 17, 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 federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/critical-infrastructure-sectors>; and

**WHEREAS**, on March 19, 2020, the Rancho Mirage City Council ratified the Proclamation of the Existence of a Local State of Emergency issued by the City Manager on March 16, 2020 and the findings, determinations and conclusions set forth therein, and directed and authorized the City Manager and designee and other appropriate staff members and City officials

to take all necessary and appropriate actions to effectuate the purpose of the Proclamation of the Existence of a Local State of Emergency, subject to any modifications as may be approved by the City Council from time to time during the State of Emergency; and

**WHEREAS**, pursuant to Rancho Mirage Municipal Code Chapter 2.52, during a State of Emergency affecting the City, the City Manager or designee shall, to the extent he or she deems necessary, have complete authority over all departments of the City and the right to exercise, within the area designated, all police powers vested in the City by the Constitution and laws of the State of California in order to effectuate the purpose Chapter 2.52; and

**WHEREAS**, Rancho Mirage Municipal Code Section 2.52.130 (City Council Powers During Declared Emergency) provides the City Council the authority to “promulgate orders and regulations necessary to provide for the protection of life and property”; and

**WHEREAS**, Rancho Mirage Municipal Code Chapter 3.25 “Short-Term Rentals,” permits the use of certain private residences to be used for Short-Term Rentals in certain designated areas of the City of Rancho Mirage provided the owner of the subject private residence applies for and obtains the approval of a Short-Term Rental Certificate by the City of Rancho Mirage pursuant to Chapter 3.25; and

**WHEREAS**, it was held in Ewing v. City of Carmel-by-the-Sea, 234 Cal. App. 3d 1579 (1991) that a city ordinance prohibiting short term (less than 30 days) transient commercial use of residential property was constitutional; and

**WHEREAS**, on May 9, 2020, the Riverside County Public Health Officer ordered the rescission of the following amended health orders: (1) the April 2, 2020 amended order related to short term lodging facilities; (2) the April 29, 2020 amended order placing restrictions on golf courses; and (3) the April 29, 2020 amended order requiring the use of face coverings and practice of social distancing; and

**WHEREAS**, by rescinding its health orders, the County of Riverside now aligns itself with the State’s Orders as they now exist or may be issued or amended in the future; and

**WHEREAS**, in order to protect public health and slow the rate of transmission of COVID-19 the City Council has determined it is nonetheless necessary to establish additional safety protocols on the rental of any Short-Term Rentals in the City of Rancho Mirage based on the following: (1) the availability of Short-Term Rentals in the City of Rancho Mirage attracts persons from many countries, including several disproportionately afflicted by the worldwide COVID-19 pandemic; and (2) the order promotes the various orders and guidance pertaining to control the spread of COVID-19.

**NOW, THEREFORE**, the City Council of the City of Rancho Mirage, does hereby issue the following order to become effective immediately:

**IT IS HEREBY ORDERED AS FOLLOWS:**

1. **THAT** all short-term rental certificate holders, and those otherwise operating a short-term rental, shall (1) be required to post, upon entry to the subject property, a city


furnished flyer stipulating the State and local face covering requirements; (2) that the overnight occupancy limit of a short-term rental, which is set forth in Rancho Mirage Municipal Code Section 3.25.070 (Operational requirements and standards conditions) shall be in effect twenty-four (24) hours a day, and that the daytime occupancy limit set forth in said section (which would otherwise allow for a greater number of occupancy) is suspended; and (3) that current City ordinances which may allow subletting and/or owners who occupy the main house to rent out a casita or other detached structure is hereby immediately suspended, so that (without limiting the generality of the forgoing) no subletting shall be allowed, and owner(s) and/or any/all of their related parties (e.g. family, guest(s), etc.) shall not be allowed at the property while it is being rented out as a short-term rental.

2. **THAT** a violation of this Order shall be subject to all the remedies set forth in Title 14 and Chapter 3.25 (Short-Term Rentals) of the Rancho Mirage Municipal Code, including without limitation a misdemeanor offence, and the remedies set forth therein shall be cumulative and in addition to any and all other remedies, civil, equitable or criminal, afforded to the City under State and Federal laws.
3. **THAT** this Order shall become effective immediately and terminate on December 4, 2020, unless terminated earlier or extended by the City Manager/Director of Emergency Services or the City Council.



ADOPTED this 3<sup>rd</sup> day of September 2020.

  
G. Dana Hobart, Mayor

ATTEST:

  
Kristie Ramos, City Clerk

APPROVED AS TO FORM:

  
Steven B. Quintanilla,  
City Attorney  
*for*   
Assistant City Attorney