

**ORDER OF THE CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES
OF THE CITY OF RANCHO MIRAGE, CALIFORNIA**

May 12, 2020

**SHORT-TERM RENTAL
MORATORIUM**

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 Chapter 2.52 further provides that during a State of Emergency, the City Manager or designee is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by the State of Emergency; provided, however, that such rules and regulations must be confirmed at the earliest practicable time by the City Council and that during a State of Emergency, the City Manager or designee is empowered to execute all of his or her ordinary powers as City Manager, all of the special powers conferred upon the City Manager by Chapter 2.52 or by resolution or emergency plan adopted by the City Council and all powers conferred upon the City Manager by any statute, by any agreement approved by the City Council and by any other lawful authority; 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 Manager has determined it is nonetheless necessary to place a temporary moratorium on the rental of any Short-Term Rentals in the City of Rancho Mirage and the submittal,


acceptance, processing and approval of applications for Short-Term Rental Certificates based on the following: (1) the moratorium will promote compliance with the “Stay at Home” Executive Order N-33-20; (2) 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 (3) the moratorium promotes the various orders and guidance pertaining to maintaining social distancing of six feet per persons to control the spread of COVID-19 and gatherings of any persons in any venue.

NOW, THEREFORE, I, Isaiah Hagerman, City Manager and Director of Emergency Services for the City of Rancho Mirage, do hereby issue the following order to become effective immediately, subject to ratification as soon as practicable by the City Council:

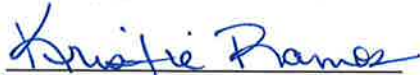
IT IS HEREBY ORDERED AS FOLLOWS:

1. **THAT** a temporary moratorium is hereby imposed on the rental of any Short-Term Rentals, as described in Chapter 3.25 of the Rancho Mirage Municipal Code, in the City of Rancho Mirage and the submittal, acceptance, processing and approval of applications for Short-Term Rental Certificates.
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 June 30, 2020, unless terminated earlier or extended by the City Manager/Director of Emergency Services or the City Council.

ADOPTED this 12th day of May 2020.


Isaiah Hagerman, City Manager
and Director of Emergency Services

ATTEST:


Kristie Ramos, City Clerk

APPROVED AS TO FORM:


Steven B. Quintanilla,
City Attorney