

- 1 C. Short term rental units owned by the property owner
2 who resides on a contiguous lot and in compliance with
3 §14-6.2(A)(6)(a) are permitted. The operation of the
4 short term rental shall cease immediately upon sale of
5 either or both properties or if the property owner no
6 longer resides on the contiguous lot.
- 7 D. Short term rental units located in a development
8 containing resort facilities approved pursuant to a special
9 exception prior to January 30, 2008, which are owned in
10 common by the owners within the development, are
11 permitted. As used in this paragraph, resort facility
12 means any combination of swimming pools, spa
13 facilities, golf courses, restaurants and/or tennis
14 facilities. The general provisions set forth in paragraph
15 (ii) below shall not apply except paragraph (ii)I.
16 regarding applicable taxes.
- 17 E. The Land Use Director shall issue up to 350 short term
18 rental permits for residential units not otherwise
19 qualifying for permits under Sections 14-
20 6.2(A)(6)(a)(i)B, C, or D, above.
- 21 F. Whenever the number of short term rental units
22 permitted according to §14-6.2(A)(6)(a)(i)E, falls below
23 350, additional new permits may be issued by the Land
24 Use Director. New permits shall be issued in the order
25 that qualifying applications are received.

1 G. Permit holders who have been issued a permit prior to
2 October 14, 2009 (the adoption of this Ordinance) shall
3 not be required to reapply for a permit; however, if the
4 permit expires pursuant to Section 14-6.2(A)(6)(a)(iii)I.
5 a new application may be submitted to the Land Use
6 Director in accordance with Section 14-6.2(A)(6)(a)(i)F,
7 above.

8 (ii) General Provisions

9 Unless otherwise stated, the following shall apply to short term
10 rental units.

11 A. No more than one rental is permitted within a seven
12 consecutive day period.

13 B. Short term rental units described in paragraph (i) E.
14 above shall be limited to 17 rental periods per calendar
15 year.

16 C. Off street parking shall be provided on site as follows:

17 1. One bedroom One parking space

18 2. Two or more bedrooms Two parking spaces

19 D. All applicable building and fire life safety codes shall be met. All
20 toilets, faucets and shower heads shall meet the requirements
21 described in §25-2.6 SFCC 1987.

22 E. Occupants shall not park recreational vehicles on site or on the
23 street.

24 F. The total number of persons that may occupy the short term
25 rental unit is twice the number of bedrooms.

- 1 G. Noise or other disturbance outside the short term rental unit is
2 prohibited after 10:00 pm. This includes, but is not limited to,
3 decks, portals, porches, balconies or patios.
- 4 H. All occupants shall be informed in writing of relevant City
5 ordinances including, but not limited to, the city's nuisance and
6 water conservation ordinances by the owner/operator of the short
7 term rental unit.
- 8 I. The owner/operator shall pay all applicable local, state and
9 federal taxes. These include but are not limited to: lodgers' tax,
10 gross receipts tax, and income taxes.
- 11 J. The owner/operator shall make available to the City for its
12 inspection all records relating to the operation of the short term
13 rental unit in order to determine compliance with §14-
14 6.2(A)(6)(a). The owner/operator shall report to the Land Use
15 Department on a monthly basis in a format provided by the City.
- 16 K. The owner shall maintain adequate property insurance
17 coverage for the short term rental unit. Proof of
18 insurance shall be required at time of permit issuance
19 and such other times as may be requested by the City.

20 (iii) Permit

21 Unless otherwise stated, an application for a permit for a short
22 term rental shall be submitted to the City as follows:

- 23 A. The application shall include the name and phone
24 number of the owner/operator who is available 24 hours
25 a day, seven days per week to respond to complaints

1 regarding the operation or occupancy of the short term
2 rental unit as well as the name and phone number of City
3 staff responsible for enforcing §14-6.2(A)(6)(a).

4 B. The application shall include a notarized statement
5 signed by the owner/operator that the short term rental
6 shall be operated in compliance with §14-6.2(A)(6)(a)
7 and all applicable City codes and that the operation of
8 the short term rental is in compliance with any
9 applicable private covenants.

10 C. Prior to issuance of any permit, a certificate of
11 occupancy shall be required to ensure compliance with
12 §14-6.2(A)(6)(a) and all applicable codes.

13 D. The permit is not transferable to another person or
14 property.

15 E. Within 10 days of the issuance of the permit, the
16 owner/operator shall mail to all property owners within
17 200 feet of the property, on a form approved by the City,
18 notice of the issuance of a permit for the short term
19 rental and the name and phone number of the
20 owner/operator who will be available 24 hours a day,
21 seven days per week to respond to complaints regarding
22 the operation or occupancy of the short term rental unit
23 as well as the name and phone number of City staff
24 responsible for enforcing §14-6.2(A)(6)(a). Within 10
25 days of the mailing, the owner/operator shall return to

the Land Use Department a notarized statement that includes a list of the names of the property owners that the notice was mailed to.

F. Each application shall be accompanied by a fee of \$150.00 to cover application processing and inspections.

G. Annual Permit Fee

Annual Permit Fees*	
Short Term Rental Type	Fee per Unit
§14-6.2(A)6(a)(i)(A) – Primary Residence; two rental periods per year	\$0.00
§14-6.2(A)6(a)(i)(B) - Accessory Dwelling Units	\$175.00
§14-6.2(A)6(a)(i)(C) – Unit(s) on Contiguous lot	\$175.00
§14-6.2(A)6(a)(i) (D) – Resort units	\$150.00
§14-6.2(A)6(a)(i) (E) – Residential units	\$350.00**
*The annual permit fee shall not be prorated for a portion of the year.	
**If there is more than one short term rental unit on a lot, the permit fee is \$140.00 for each additional unit.	

The annual fee includes the city business registration fee

1 and inspections related to issuance of the short term
2 rental permit. Revenue from fees imposed according to
3 this §14-6.2(A)(6)(a) shall be used only for the
4 administration and enforcement of this Section.

5 H. If any person believes he has made payment of any
6 permit fee in excess of that for which he was liable, he
7 may claim a refund by directing to the city treasurer a
8 written claim for refund no later than one year from the
9 date payment was made. Every claim for refund shall
10 state the nature of the person's complaint and the
11 affirmative relief requested. The city treasurer shall
12 allow the claim in whole or in part or may deny it. If the
13 claim is not allowed in whole, the person may appeal the
14 decision to the governing body.

15 I. Unless revoked as set forth in §14-6.2(A)(6)(a)(iv)
16 below, a permit holder may renew the holder's permit
17 annually. If not renewed by March 15, the permit
18 expires. An owner of an expired permit may submit a
19 new application for a short term rental permit to the
20 Land Use Director in accordance with Section 14-
21 6.2(A)(6)(a)(i)F subject to availability of permits within
22 the 350 limit.

23 J. The permit number shall be included in all advertising of
24 the short term rental.

25 (iv) Violations

1 A. City staff shall document all alleged violations of §14-
2 6.2(A)(6)(a) and shall pursue enforcement through the
3 municipal court as set forth in §1-3 SFCC 1987 or in
4 another appropriate court of law. Upon conviction of a
5 third violation by the municipal court, the City shall
6 revoke the permit and operation of the short term rental
7 shall cease within 30 days.

8 B. An owner who offers for rent as a short term rental a
9 dwelling unit that is not permitted for use as a short term
10 rental shall be in violation of §14-6.2(A)(6)(a) and
11 subject to prosecution in municipal court.

12 C. An agent who knowingly assists an owner in advertising
13 or renting a dwelling unit as a short term rental unit that
14 is not permitted under §14-6.2(A)(6)(a) shall be subject
15 to prosecution in the municipal court and the agent's
16 business license shall be subject to revocation.

17 (v) Covenants

18 Private restrictive covenants, enforceable by those governed by
19 the covenants, may prohibit short term rentals units.

20 (vi) Real Estate Brokers

21 Real estate brokers listing residential property in the city of
22 Santa Fe shall provide prospective buyers a current copy of §14-
23 6.2(A)(6)(a).

24 (vii) Administrative Procedures

25 The Land Use Director shall establish administrative procedures

1 as are necessary for the implementation, management and
2 enforcement of §14-6.2(A)(6)(a).

3 (viii) Review and Report; Amendments

4 Staff shall make a report to the Governing Body regarding the
5 implementation, management, enforcement and fiscal impact of
6 §14-6.2(A)(6)(a) prior to July 31, 2009 (18 months from the
7 adoption of this Ordinance). Upon evaluation of the information,
8 the Governing Body shall consider amendments to the city code
9 regarding short term rental units including, but not limited to,
10 alternative zoning provisions such as neighborhood conservation
11 districts and special overlay districts regulating short term rentals
12 in residential districts.

13 (b) Non-Residentially Zoned Property. Short term rental units are permitted
14 as set forth in Table 14-6.1-1.

15 (c) In the C-2 District, dwelling units shall be for occupancy only by owners,
16 employees, or tenants of uses allowed in the C-2 District and which are
17 part of the same building, or which are a part of a planned development
18 or part of a use for which a development plan is required, and do not
19 include mobile homes or recreational vehicles.

20 PASSED, APPROVED, and ADOPTED this 14th day of October, 2009.

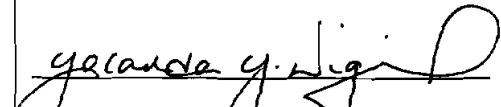
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24 DAVID COSS, MAYOR
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1 ATTEST:

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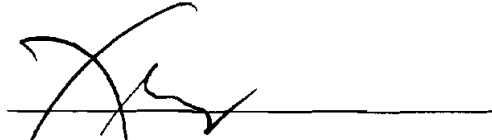

YOLANDA Y. VIGIL, CITY CLERK

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6 APPROVED AS TO FORM:

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FRANK D. KATZ, CITY ATTORNEY

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Jp/ca/jpmb/2009 ord/short term rental