

**CITY MANAGER'S REPORT
MARCH 11, 2024 CITY COUNCIL REGULAR MEETING**

ITEM: **PUBLIC HEARING (PUBLISHED NOTICE) TO ADOPT AN ORDINANCE TO AMEND THE LATHROP MUNICIPAL CODE (LMC) TO REGULATE SHORT-TERM RENTALS AND BICYCLE VIOLATIONS BY ADDING NEW CHAPTERS TO TITLE 5, BUSINESS LICENSES AND REGULATIONS, AND TITLE 9, PUBLIC PEACE AND WELFARE**

RECOMMENDATION: **City Council to Consider the Following:**

- 1. Hold a Public Hearing; and**
- 2. First Reading and Introduction of an Ordinance to Amend the Lathrop Municipal Code (LMC) to Regulate Short-Term Rentals and Bicycle Violations by Adding New Chapters to Title 5, Business Licenses and Regulations, and Title 9, Public Peace and Welfare. The new chapters include the following:**
 - Chapter 5.10 (Short-Term Rental Prohibition): Add new chapter to prohibit short-term vacation rentals.**
 - Chapter 9.28 (Bicycles Used in Violation of the California Vehicle Code): Add new chapter to regulate bicycles used in violation of the California Vehicle Code.**

SUMMARY:

Proposed Chapter 5.10:

The City of Lathrop does not allow short-term rentals within the City. Short-term rentals are defined as "use that provides lodging in a dwelling unit, for compensation, for a period of thirty (30) or fewer consecutive calendar days." Staff is proposing the addition of Chapter 5.10 entitled "Short-Term Rental Prohibition" to provide clarity and prevent any uncertainties in regard to the permissibility of short-term rentals within the City.

Proposed Chapter 9.28:

Our police officers and community members have encountered recurring traffic issues that involve individuals riding their bicycles recklessly on City streets and other public places. The careless and unsafe bicycle riding has caused traffic distractions and raised safety concerns for those riding their bicycles recklessly, motorists, and

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pedestrians. Due to the frequent recurrence of reckless bicycle riding by individuals, staff is proposing the addition of Chapter 9.28 entitled "Bicycles Used in Violation of the California Vehicle Code" to authorize the Lathrop Police Department to impound such bicycles.

BACKGROUND:

Proposed Chapter 5.10:

The Lathrop Police Department is responsible for the safety of the community and for providing the necessary enforcement of the City's code and ordinances. Chapter 5.10 Short-Term Rental Prohibition is proposed to prohibit short-term vacation rentals to ensure the protection of public health, safety, and general welfare, and reduce the costs associated with addressing service requests arising from short-term rentals. Negative consequences associated with short-term vacation rentals include, but are not limited to, contributing to affordable housing shortages, generating complaints about parking, noise, and refuse, and posing a risk to the character of residential neighborhoods by providing access to transient occupants.

The proposed prohibition of short-term rentals aims to address these issues by prioritizing affordable housing for long-term renters, supporting the traditional lodging industry where short-term occupancy is appropriate and allowed, and promoting the safety and character of residential neighborhoods.

Proposed Chapter 9.28:

Our police officers and community members encounter recurring issues that involve individuals riding their bicycles recklessly on City streets and other public places. Due to the frequent recurrence of the careless and unsafe bicycle riding by these individuals, the City has determined it necessary to propose an Ordinance to authorize the Lathrop Police Department to impound bicycles used to violate the California Vehicle Code (CVC). The proposed Ordinance is crucial to effectively address the ongoing CVC violations by bicyclists. It will provide the police department with the legal framework needed to intervene and impound bicycles when bicyclists violate the CVC, ensuring accountability and discouraging repeat offenses.

The proposed ordinance to impound bicycles is intended to serve as a deterrent and educational tool for all members of our community, emphasizing the importance of respecting traffic regulations and the safety of all road users. The Lathrop Police Department aims to instill a sense of responsibility and adherence to traffic laws, ensuring the safety and well-being of everyone on our streets.

Staff recommends City Council consider adoption of the proposed ordinance to amend the Lathrop Municipal Code to Regulate Short-Term Rentals and Bicycle Violations by Adding New Chapters to Title 5, Business Licenses and Regulations, and Title 9, Public Peace and Welfare.

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REASON FOR RECOMMENDATION:

Chapter 5.10 entitled "Short-Term Rental Prohibition" will provide clarity and prevent any uncertainties in regard to the permissibility of short-term rentals within the City.

Chapter 9.28 entitled "Bicycles Used in Violation of the California Vehicle Code" will provide the police department with the legal framework and local authority to intervene and impound bicycles when bicyclists violate the CVC, ensuring accountability and discouraging repeat offenses.

FISCAL IMPACT:

There is no fiscal impact to the City of Lathrop, only staff time to prepare the report.

ATTACHMENTS:

- A. Ordinance to Amend the Lathrop Municipal Code (LMC) to Regulate Short-Term Rentals and Bicycle Violations by Adding New Chapter to Title 5, Business Licenses and Regulations, and Title 9, Public Peace and Welfare
- B. New Chapter 5.10 Short-Term Rental Prohibition
- C. New Chapter 9.28 Bicycles Used in Violation of the California Vehicle Code

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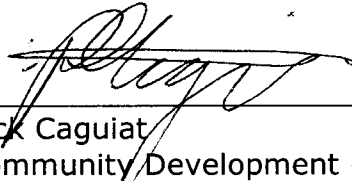
APPROVALS:



Stephen Sealy
Chief of Police

1/31/2024

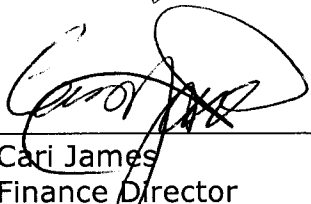
Date



Rick Caguiat
Community Development Director

1/31/24

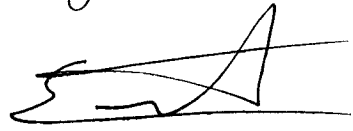
Date



Cari James
Finance Director

2/3/2024

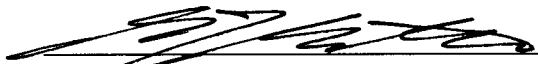
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Salvador Navarrete
City Attorney

2-5-2024

Date



Stephen J. Salvatore
City Manager

3-6-24

Date

ORDINANCE NO. 24 -

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP TO AMEND THE LATHROP MUNICIPAL CODE (LMC) TO REGULATE SHORT-TERM RENTALS AND BICYCLE VIOLATIONS BY ADDING NEW CHAPTERS TO TITLE 5, BUSINESS LICENSES AND REGULATIONS, AND TITLE 9, PUBLIC PEACE AND WELFARE

WHEREAS, the City of Lathrop does not allow short-term rentals within the City; and

WHEREAS, the proposed ordinance will provide clarity and prevent any uncertainties in regard to the permissibility of short-term rentals within the City; and

WHEREAS, negative consequences associated with short-term vacation rentals include, but are not limited to, contributing to affordable housing shortages, generating complaints about parking, noise, and refuse, and posing a risk to the character of residential neighborhoods by providing access to transient occupants; and

WHEREAS, the proposed ordinance aims to address these issues by prioritizing affordable housing for long-term renters, supporting the traditional lodging industry where short-term occupancy is appropriate and allowed, and promoting the safety and character of residential neighborhoods; and

WHEREAS, the proposed ordinance is intended to prohibit short-term vacation rentals to ensure the protection of public health, safety, and general welfare, and reduce the costs associated with addressing service requests arising from short-term rentals; and

WHEREAS, our officers and community members encounter recurring issues that involve individuals riding their bicycles recklessly on City streets and other public places; and

WHEREAS, due to the frequent recurrence of reckless bicycle riding by individuals, the City has determined it necessary to propose an Ordinance to authorize the Lathrop Police Department to impound bicycles used to violate the California Vehicle Code; and

WHEREAS, this proposed ordinance will provide the police department with the legal framework needed to intervene and impound bicycles when individuals violate the California Vehicle Codes, ensuring accountability and discouraging repeat offenses; and

WHEREAS, this proposed ordinance is intended to reinforce the importance of compliance with traffic laws, create an environment that promotes safer streets, and provide traffic education to members of our community and instill a greater sense of accountability to deter similar behavior in the future; and

WHEREAS, proper notice of the public hearing held on March 11, 2024 was given in all respects as required by law; and

WHEREAS, the City Council of the City of Lathrop has duly considered all written evidence and oral testimony presented during the March 11, 2024 public hearing.

NOW THEREFORE, BE IT ORDAINED, that the City Council of the City of Lathrop, based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby approve the Lathrop Municipal Code amendments as shown on Attachment B and C of the staff report dated March 11, 2024 and incorporated by reference herein.

Section 1.

Title 5 of the Lathrop Municipal Code titled "Business Licenses and Regulations" is hereby amended by adding new Chapter 5.10 entitled "Short-Term Rental Prohibition". Title 9 of the Lathrop Municipal Code titled "Public Peace and Welfare" is hereby amended by adding new Chapter 9.28 entitled "Bicycles Used in Violation of the California Vehicle Code".

Section 2.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability.

If any section, subsequent subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 4. Effective Date.

This Ordinance shall take legal effect 30 days from and after the date of its passage.

Section 5. Publication.

Within fifteen days of the adoption of this Ordinance, the City Clerk shall cause a copy of this Ordinance to be published in full accordance with Section 36933 of the Government Code.

THIS ORDINANCE was introduced at a regular meeting of the City Council of the City of Lathrop on the 11th day of March 2024, and was PASSED AND ADOPTED at a regular meeting of the City Council of the City of Lathrop on the ____ day of _____ 2024, by the following vote, to wit:

AYES:

NOES:

ABSENT:

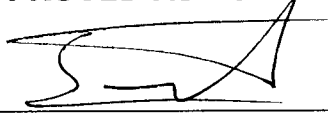
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

Chapter 5.10 SHORT-TERM RENTAL PROHIBITION

5.10.010 Purpose and intent.

The purpose of this chapter is to establish regulations governing the short-term rental of residential property within the City of Lathrop. The city has a legitimate interest in fostering and preserving the long-term residential character of its residential neighborhoods. The establishment of these regulations will help maintain adequate housing stock for permanent residents while ensuring that short-term rental activities do not become a nuisance or threaten the public health, safety, or welfare due to excessive noise, disorderly conduct, overcrowding, traffic congestion, illegal parking, the accumulation of refuse, and other effects related to short-term rentals.

5.10.020 Definitions.

For purposes of this chapter, the following definitions apply:

"Short-term rental" means a use that provides lodging in a single family or multi-family residential dwelling unit, for compensation, for a period of thirty (30) or fewer consecutive calendar days. "Short-term rental" does not include transient lodging in city-approved hotels.

5.10.030 Prohibition.

A short-term rental is expressly prohibited within the City limits.

5.26.040 Public Nuisance.

Any use or condition caused, or permitted to exist, in violation of any provision of this chapter shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to CA Code of Civil Procedure Section 731 or any other remedy available to the City.

ATTACHMENT C

CHAPTER 9.28 BICYCLES USED IN VIOLATION OF THE CALIFORNIA VEHICLE CODE.

9.28.010 Definitions.

"Bicycle" means a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, having one or more wheels. An electric bicycle is a bicycle.

9.28.020 Bicycle Violations – Punishment.

Where the provisions of the California Vehicle Code have been violated by any individual, the Chief of Police or their designee may prohibit the operation of a bicycle used in such a violation upon the streets, alleys, and public places in the City for a period not to exceed thirty (30) days. Such bicycle shall be impounded by the Chief of Police or their designee and retained during the period for which the operation is prohibited.

9.28.030 Impounding Authorized When.

The Chief of Police or their designee may impound and retain possession of any bicycle operated, parked or used in violation of any of the provisions of the California Vehicle Code, and may retain possession of any such bicycle until criminal proceedings for a period not to exceed thirty (30) days. The Chief of Police or their designee are hereby authorized to store any bicycles impounded under this authority.

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