

**THE CITY COUNCIL
OF THE CITY OF SONORA**

ORDINANCE NO. 867

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA TO PROHIBIT NON-ESSENTIAL SHORT-TERM LODGING RENTALS FOR THE DURATION OF THE COVID-19 STATE OF EMERGENCY

WHEREAS, a state of emergency has been declared by the State of California and local emergencies have been declared in Tuolumne County and in the City of Sonora (the "City") in response to the COVID-19 pandemic; and

WHEREAS, in the City, as in Tuolumne County and throughout California, there is insufficient healthcare infrastructure and resources, including hospital beds, ventilators, and workers to adequately treat mass numbers of patients concurrently as might be needed if the virus were to spread unchecked; and

WHEREAS, in direct response to the potential lack of healthcare infrastructure, governments across the nation are taking actions to slow the spread of COVID-19 to "flatten the curve" of infection and reduce the numbers of individuals infected concurrently by minimizing situations where the virus can spread; and

WHEREAS, in furtherance of this effort, on March 19, 2020, Governor Newsom issued Executive Order N-33-20, which requires that all persons residing in the State of California to remain in their homes or places of residence except as needed to maintain continuity of operations for critical infrastructure (the "Executive Order"); and

WHEREAS, on March 20, 2020, the Governor issued additional guidance identifying "Essential Critical Infrastructure Workers" to effectuate the Executive Order (the "Guidance"). This Guidance, which is attached hereto as "**Exhibit A**" and incorporated by this reference, identifies various industry sectors that are deemed essential to maintain the continuity of operations for critical infrastructure, and which thus may continue to operate notwithstanding the Executive Order; and

WHEREAS, the Guidance further lists specific jobs and functions within those critical infrastructure sectors that are deemed "necessary." This includes hotels and lodging activities related to isolating or quarantining persons infected with or exposed to the COVID-19 virus, or housing workers performing jobs deemed essential to maintaining critical infrastructure; and

WHEREAS, the health, safety and welfare of City residents, businesses, visitors and staff is of utmost importance to the City; and

WHEREAS, the City has an interest in ensuring there are sufficient supplies for residents within the emergency area; and

WHEREAS, vacation rental services, including but not limited to online rental services offering temporary lodging such as Airbnb, Vrbo, Otalo, HomeAway, Booking.com, Expedia and other services, have caused an increased amount of individuals coming in from outside the City; and

WHEREAS, the influx of people using vacation rental services has drained essential City resources and supplies, which is preventing the City from providing the necessary tools to slow the spread of COVID-19, and to preserve the general welfare of its residents during the local emergency; and

WHEREAS, the above facts, conditions or threatened conditions caused by the use of vacation rental services within the City give rise to conditions that require their suspension for the safety and well-being of City residents; and

WHEREAS, the City has the authority and the obligation to take measures to maintain essential materials, services and facilities necessary to address the local emergency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SONORA ORDAINS AS FOLLOWS:

SECTION 1. NON-ESSENTIAL SHORT-TERM LODGING RENTALS PROHIBITED.

A. Short-term lodging facilities, including hotels, motels, condominiums, campgrounds, single-family homes rented for short-term use, or other units within the City that are used for COVID-19 mitigation and containment measures, including measures to protect homeless populations, may continue to operate for the limited purpose of providing such mitigation and containment measures, such as isolation and quarantine or the housing of displaced persons.

B. Short-term lodging facilities, including hotels, motels, condominiums, campgrounds, single-family homes rented for short-term use, or other units within the City that are used to house workers performing functions that are essential to maintain the continuity of operations for critical infrastructure, as listed in the attached Guidance, may continue to operate for the limited purpose of housing those critical infrastructure workers.

C. Short-term lodging facilities, including hotels, motels, condominiums, campgrounds, single-family homes rented for short-term use, or other units within the City may not continue to operate for any other purpose.

D. A violation of this Ordinance shall be considered a violation of the Sonora Municipal Code and of any Urgency Ordinance passed by the City Council of the City of Sonora at any time during the local emergency declared in response to the COVID-19 pandemic, and such violation shall be subject to the same enforcement measures.

SECTION 2. TERM. This Ordinance remains in full force and effect until the Governor ends the state of emergency in response to the COVID-19 outbreak or until the Ordinance is rescinded by the City Council, whichever occurs first.

SECTION 3. SEVERABILITY. If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof and shall continue to be in full force and effect.

SECTION 4. URGENCY FINDING. The City hereby finds, determines and declares that this Ordinance is necessary to the immediate preservation of the public peace, health or safety, because there is an urgent need to slow COVID-19 transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. Therefore, the City further finds, determines and declares that this Ordinance takes effect immediately upon adoption pursuant to the authority conferred upon the City Council by California Government Code section 36937.

The foregoing Ordinance was introduced, adopted, approved and ordered published in full by a four-fifths vote at a meeting of the City Council of the City of Sonora, California, held on April 6, 2020, and said Ordinance was thereupon adopted by the following roll call vote.

AYES:

NOES:

EXCUSED:

ABSTAIN:

ATTEST:

APPROVED:

[Name]

City Clerk, Pro Tem

Jim Garaventa

Mayor