

**ORDINANCE NO. 312**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUCAIPA, CALIFORNIA, ADDING CHAPTER 5.34 TO THE YUCAIPA MUNICIPAL CODE, TITLED “MULTIPLE-FAMILY AND OTHER RENTAL UNITS”, TO INCLUDE PROVISIONS PERTAINING TO THE BUSINESS LICENSE REQUIREMENTS AND OPERATION OF MULTIPLE-FAMILY DWELLING UNITS, ROOMING HOUSES, AND MOBILE HOME PARKS**

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**WHEREAS**, the City of Yucaipa (the “City”) currently requires owners of rental units within the City to secure a business license from the City; and

**WHEREAS**, it is vital to the public health, safety, and welfare of the City to reduce crime and blight in multiple-family dwelling projects, rooming houses, and mobile home parks caused by persons who engage in criminal activities; and

**WHEREAS**, the Crime Free Multiple-Family Rental-Housing Program is a crime prevention program designed to assist owners, operators and tenants of rental properties to keep illegal activities off those properties subject to this ordinance; and

**WHEREAS**, the City Council finds and determines that having an ordinance regulating multiple-family and other residential rental units is critical to preserving the public health, safety and welfare of all residents of the City.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF YUCAIPA DOES ORDAIN AS FOLLOWS:**

**Section 1.** A new Chapter 5.34 is hereby added to Title 5 (Business Licenses and Regulations) of the Yucaipa Municipal Code to read as follows:

**“Chapter 5.34**

**MULTIPLE-FAMILY AND OTHER RENTAL UNITS**

**Sections:**

- 5.34.010 Business License Required.**
  - 5.34.020 Special Business License Provisions; Crime Free Multiple-Family Rental-Housing Program.**
  - 5.34.030 Nuisance Rental Property.**
  - 5.34.040 Violations.**
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- 5.34.010 Business License Required.**

No person shall operate a roominghouse, boardinghouse, apartment house, mobile home park, trailer court, private guest ranch, multiple-family rental accommodations for dwelling, or other property rental business without first obtaining a valid City business license.

**5.34.020 Special Business License Provisions; Crime Free Multiple-Family Rental-Housing Program.**

A. Prior to obtaining a valid City business license, the owners or operators of any property that contains five (5) or more rental units (or rental spaces) that are being rented out for residential dwelling purposes must comply with all of the following Crime Free Multiple-Family Rental-Housing Program requirements:

1. Complete a Crime Free Multiple-Family Rental-Housing Program seminar to be provided by the Yucaipa Police Department (“Seminar”); and

2. Include a crime free lease or rental agreement addendum (“Addendum”) or clause in the lease or rental agreement similar to the crime free lease or rental agreement addendum in any leases or rental agreements that are executed, modified or extended after December 14, 2011, the effective date of this Ordinance. The City Clerk shall maintain a sample addendum form for use by businesses subject to the provisions of this Chapter.

B. Any current rental business license holder, at the time of adoption of this Ordinance, shall complete the Seminar prior to the expiration date of their current rental business license, or as soon as the Seminar is conducted, whichever time is later.

C. When a property that is subject to the provisions of this Chapter is transferred to a new owner, the new owner or operator shall complete the Seminar within three months after the transfer of the rental property, or as soon as the Seminar is conducted, whichever time is later.

D. When a property that is subject to the provision of this Chapter changes operators, the new operator shall complete the Seminar within three months after the transfer of operations, or as soon as the Seminar is conducted, whichever time is later.

E. Any owner or operator of property with five (5) or more units (or spaces) that are being rented out for residential or purposes shall complete the Seminar once every three (3) years, and shall be deemed in compliance with this subsection so long as the owner or operator completes the Seminar prior to the expiration of the business license at the end of the third year.

F. The Crime Free Multiple-Family Rental-Housing Program Coordinator (“Coordinator”), as designated by the Yucaipa Police Department, shall periodically provide the Director of Administrative Services and the Director of Community Development with a list of owners and/or operators who have completed the Seminar,

with the date of attendance and verification that the owner or operator has complied with this subsection and is eligible to obtain, maintain or renew the business license.

G. The Crime Free Multiple-Family Rental-Housing Program is a crime prevention program designed to reduce crime, drugs, and gang activities on the subject rental properties. At the Seminar, the Coordinator shall provide, at no cost, samples of the Addendum and, if applicable, shall review any clauses within actual leases with the City's Attorney's Office to determine if the clause is similar to the Addendum provisions designed to make criminal activity a lease or rental agreement violation. The owner or operator shall have the authority under the clause or addendum to initiate an eviction proceeding as specified in California State Law.

**5.34.030 Nuisance Rental Property.**

It is hereby declared a nuisance, which nuisance may be abated pursuant to this Municipal Code and State Law, and to be declared against the health, safety, welfare, peace and comfort of the City for any property owner and/or operator of a multiple-family dwelling unit, rooming house room, mobile home unit or space, or a residential building, such as an apartment, with five (5) or more rental units (or spaces) to allow or permit any of the following:

A. The rental of any multiple-family dwelling unit, rooming house room, mobile home unit or space, or a residential building, such as an apartment, to a tenant who allows any of the following offenses to occur relating to the tenant, member of the tenant's household, guest or other party under the control of the tenant to occur in or on the property: murder, kidnapping, aggravated kidnapping, prostitution, solicitation of prostitution, pandering, obscenity, child pornography, harmful materials, sale of obscene publication, criminal housing management, possession of explosives, unlawful use of weapons, sale of firearms, gambling, keeping a gambling place, concealing a fugitive, violation of the California Uniform Controlled Substances Act, commission of any two (2) or more of any other crimes under the State of California or under the Federal Government not specifically listed above, or the commission of four (4) or more City ordinance violations in a twelve (12) month period.

**5.34.040 Violations.**

A. Any violation of this chapter shall constitute a violation pursuant to Chapter 1.12 of the Yucaipa Municipal Code. In addition, any violation of this chapter shall be grounds for suspension and/or revocation of the City business license. The language contained in this section shall not be interpreted to alter, amend, extend, increase, or have any other application to the business license fee currently required under Municipal Code Section 5.04.030.

B. The penalties in this subsection are non-exclusive. It supplements and is in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the City, the state or any other legal entity or agency having jurisdiction.”

**Section 2.** Severability.

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

**Section 3.** Effective Date.

This ordinance shall take effect thirty (30) days after the date of its adoption.

**Section 4.** Publication and Posting

The City Clerk is hereby directed to cause the following summary of this ordinance to be published by two (2) insertions in the Yucaipa News Mirror, a newspaper of general circulation that is printed, published, and circulated in the City of Yucaipa, and hereby designated for that purpose by said Council of the City of Yucaipa: "Ordinance No. 312 adds Chapter 5.34, 'Multiple-Family and Other Rental Units', to Title 5, 'Business Licenses and Regulations', of Volume I of the Yucaipa Municipal Code, establishing business license requirements and adopts a Crime Free Multiple-Family Rental-Housing Program. The Program requires owners and operators of the subject rental property to attend a training Seminar, and requires all new and modified leases and rental agreements of subject rental properties to include provisions designed to make criminal activity by residents, members of the residents' household, guests, or other persons under the residents' control a lease or rental agreement violation. The owner or operator shall have the authority under the clause or addendum to initiate an eviction proceeding as specified in California State Law for such lease or rental agreement violations."

**PASSED, APPROVED and ADOPTED** on this 14th day of November, 2011.



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Dick Riddell, Mayor

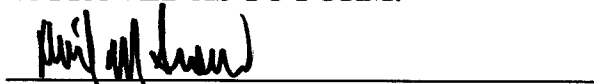
**ATTEST:**



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Jennifer Shankland, City Clerk

**APPROVED AS TO FORM:**



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David Snow, City Attorney