



ORDINANCE NO. _____

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Section 1. ~~Article~~ Chapter 56 of Title 5 of the El Dorado County Ordinance Code entitled "Hosted and Vacation Home Rentals" is hereby enacted to read as follows:

Sec. 5.56.010. - Title.

This chapter shall be referred to as the Hosted and Vacation Home Rental Ordinance.

Sec. 5.56.0240. - Purpose of chapter.

The Board of Supervisors of the County finds and declares as follows:

- A. Hosted and vacation home rentals, when properly managed, provide a community benefit by expanding the number and type of rental lodging facilities available and assist owners and hosts of home rentals by providing revenue which may be used for maintenance upgrades and deferred costs;
- B. County staff has responded to numerous complaints involving excessive noise, disorderly conduct, vandalism, overcrowding, traffic congestion, illegal vehicle parking, and accumulation of refuse at hosted and vacation home rentals which require response from police, fire, paramedic, and/or other public personnel;
- C. The provisions of this chapter are necessary to prevent or mitigate the continued burden on public services and impacts on residential neighborhoods posed by hosted and vacation home rentals.
- D. The increasing number of hosted home and short-term vacation rentals in some areas of the County adversely affects residential character, neighborhood stability, public safety, and quality of life.
- E. The Tahoe Regional Planning Agency has introduced new—neighborhood compatibility criteria in its Performance Review System to local jurisdictions within the Tahoe Basin, including El Dorado County, in order to address the effects of vacation home rentals on achieving the goals of the Regional Plan.

Sec. 5.56.0320. - Applicability.

The provisions of this chapter apply only within the unincorporated area of the County. All requirements, regulations, and standards imposed by this chapter are intended to apply in addition to any other applicable requirements, regulations, and standards imposed elsewhere in this Code. The provisions of the section shall apply to all ~~short-term hosted and~~ vacation home rentals, ~~except hosted rentals where there is a primary owner in residence during the rental period. This section does not apply to bed and breakfast inns, which are regulated by Section 130.40.~~

Hosted and ~~V~~vacation home rentals, as defined below, shall not be permitted on vacant land, on a parcel on which Ranch Marketing uses are being conducted in accordance with El Dorado County Ordinance Code Chapter 130.44; in non-habitable structures, accessory structures, detached guest houses; within accessory or second-junior dwelling units; or in structures or dwellings with County covenants or agreements restricting their use including, but not limited to, affordable housing units, agricultural employee units, farmworker housing, or farm family units. Tents, yurts, RVs, tiny homes (with or without wheels), or any accessory structure including and other provisions intended for temporary occupancy are not allowed to be used as or as a part of a hosted or vacation home rental. This section does not supersede the permitting requirements for Campground and Recreational Vehicle Parks and Lodging Facilities, which are regulated by Section 130.40 of the El Dorado County Code of Ordinances.

Sec. 5.56.040. — Purpose of chapter.

The Board of Supervisors of the County finds and declares as follows:

- ~~A. — Vacation home rentals provide a community benefit by expanding the number and type of rental lodging facilities available and assist owners of vacation home rentals by providing revenue which may be used for maintenance upgrades and deferred costs;~~
- ~~B. — County staff has responded to numerous complaints involving excessive noise, disorderly conduct, vandalism, overcrowding, traffic congestion, illegal vehicle parking, and accumulation of refuse at vacation home rentals which require response from police, fire, paramedic, and/or other public personnel;~~
- ~~C. — The provisions of this chapter are necessary to prevent or mitigate the continued burden on public services and impacts on residential neighborhoods posed by vacation home rentals.~~
- ~~D. — The increasing number of short-term vacation rentals in some areas of the County adversely affects residential character, neighborhood stability, public safety, and quality of life.~~
- ~~E. — The Tahoe Regional Planning Agency has introduced new neighborhood compatibility criteria in its Performance Review System to local jurisdictions within the Tahoe Basin, including El Dorado County, in order to address the effects of vacation home rentals on achieving the goals of the Regional Plan.~~

Sec. 5.56.~~030040~~. - Definitions.

For purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section, except where the context clearly indicates a different meaning:

Accessory or Junior Accessory Dwelling Unit means a small secondary dwelling unit, attached or detached, which allows for independent living, as more specifically described in El Dorado County Ordinance Code § 130.40.300.

Bedroom means a room intended for sleeping as approved by the Building Division and verified by reference to the Assessor's records.

Event means a gathering or occurrence for socializing or celebrating including, but not limited to, wedding, reception, gathering, bachelor/bachelorette party, commercial filming, concert and/or any other similar happening.

Guest House means permitted dwelling space attached or detached from the primary dwelling which is no more than 600 square feet in size with a maximum of two bedrooms and one bathroom. A laundry facility and kitchen or cooking facility, or room for installation of a stove, a full-size refrigerator, or sink other than the bathroom and wet bar sinks, shall be prohibited. In the Tahoe Basin, a total of one (1) sink may be included which can be either the bathroom or bar sink. The use of a guest house as a hosted home rental shall not be deemed a commercial use prohibited under section 130.40.150.

Host means a natural person aged 18 or older who is the owner or lessee of the subject property and for whom the subject property constitutes his or her primary residence.

Hosted Home Rental (HHR) means a rental property at which ~~at least one of the primary owners~~ a host resides and sleeps ~~in one of the bedrooms~~ during the period of the rental. This may be either the rental of ~~up to two (2) bedrooms, or bedrooms,~~ within a ~~house primary residence~~ or the rental of an attached guest house. Occupancy is based on two (2) persons per bedroom with a maximum occupancy of four (4) persons. The space must be rented and advertised as a single listing to a single party. Only one hosted rental is allowed per owner and/or host. The use of a guest house as a hosted vacation rental shall not be deemed a commercial use prohibited under section 130.40.150. Sleeping quarters cannot be in outdoor areas, including treehouses and vehicles.

Local contact means a property manager, owner, or agent of the owner, who is certified and available to respond to ~~renter and neighborhood~~ Code Enforcement questions or concerns ~~within a half hour, or any agent of the owner authorized by owner to~~ and take remedial action and respond to any violation of this chapter within a half hour.

Loud and raucous noise means:

1. ~~The human voice, any record, or recording thereof when amplified by any device whether electrical, mechanical, or otherwise to such an extent as to cause it to~~

~~unreasonably carry on to public or private property or to be heard by others on residential property or public ways within the County.~~

~~2. Any sound not included in the foregoing which is of such volume, intensity, or carrying power as to interfere with the peace and quiet of persons upon residential property or public ways within the County in accordance with Chapter 9.16 Noise.~~

Managing agency or agent means a person, firm, or agency representing the owner of the vacation home rental, or a person, firm, or agency owning the vacation home rental.

~~*Operator* means the person who is proprietor of a transient lodging facility, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee, or any capacity. Where the operator performs his or her functions through a managing agent of any type or character, other than an employee, or where the operator performs his or her functions through a rental agent, the managing agent or the rental agent shall have the same duties as his or her principal. Compliance with the provisions of this chapter by either the principal or the managing agent or the rental agent shall be considered to be in compliance by both.~~

Occupancy means the number of individuals six (6) years of age and older permitted to be in the residence during the rental period. Occupancy is based on two (2) persons per bedroom. Hosted home rentals have a maximum occupancy of four (4) persons, six (6) years of age and older.

Owner of a Hosted Home Rental means a natural person (inclusive of a trust beneficiary) with a legal or equitable ownership interest in a property used as a hosted home rental.

Owner of a Vacation Home Rental means the person or entity that holds legal and/or equitable title to the private property.

Primary Residence means the person's usual place of return for housing as documented by evidence of recorded ownership or a current residential lease agreement together with at least two (2) other forms of documentation with a matching address demonstrating that the subject property is the person's primary residence. Such documented proof may include, but is not limited to the following: motor vehicle registration; state issued driver's license or ID; voter registration; tax documents showing the homeowner's tax exemption; bank or credit card statement; or a utility bill.

~~*Person responsible for event* means the owner of the property where the large party, gathering or event takes place, the person in charge of the premises, and/or the person who organized the event. If the person responsible for the event is a minor, then the parents or guardian of minor will be jointly and severally liable for the fines imposed for the special security assignment.~~

Private means intended for or restricted to the occupants and/or guests of his or her hosted or vacation home rental; not for public use.

Quiet hours mean the hours between ten (10) P.M. and eight (8) A.M.

Sleeping room means a common area of the house suitable for overnight occupancy as verified by the local Fire Protection Agency/Department.

Time to cure means the amount of time to correct an alleged or confirmed violation. The time to cure for violations of this ordinance is 30 minutes.

Unreasonable noise means voices, loud and raucous noise, or amplified music heard at the property line, which is of such volume, intensity, or carrying power as to interfere with the peace and quiet of persons in neighboring property or public ways within the County in accordance with Chapter 9.16—Noise.

Vacation home rental (VHR) means one dwelling unit, including either the primary single-family home, one unit of a duplex, or a single condominium unit, rented for the purpose of overnight lodging for a period of not less than one night and not more than 30 days—~~other than ongoing month-to-month tenancy granted to the same renter for the same unit.~~

Sec. 5.56.050. — Hosted or Vvacation home rental permit requirements.

No owner of a hosted or vacation home rental shall rent that unit for 30 consecutive calendar days or less without a valid hosted or vacation home rental permit for that unit issued pursuant to this chapter. A separate permit shall be required for each hosted or vacation home rental but there may not be more than one hosted or vacation home rental per parcel. The permit requirements of this chapter are in addition to any business license, hotel/motel tax registration, any other permit, or licensing requirements. However, at the discretion of the County, the processing of permits required under this chapter may be combined with the processing of business licenses, transient occupancy tax registration, any other permit, or license process administered by the County. The County shall prescribe forms and procedures for the processing of permits under this chapter.

A hosted or vacation home rental permit is not transferable with the property and becomes void upon sale or transfer of the property interest to another owner/entity. This restriction is not intended to apply to the transfer of property interests between spouses (e.g. interspousal transfers) or transfers of property interest solely for estate planning purposes (e.g., transfers to a family trust).

Sec. 5.56.055. – Cap on the Number of Vacation Home Rental Permits in the Tahoe Basin.

Within the Lake Tahoe Basin portion of the unincorporated area of El Dorado County, no more than 900 vacation home rental permits shall be issued. Hosted home rentals are not subject to the cap, nor do they count against.

A. The Planning and Building Department shall maintain a waiting list in the event that the Tahoe Basin number of vacation home rentals is at or exceeds the established area maximum and/or a site is within 500-feet of a permitted vacation home rental. Prospective applicants shall submit requests via a Waiting List Request Form. Applicants for the waiting list must be the current owner/s of the property. Upon notification that the number of active permits has declined such that a prospective applicant is able to make application for a permit, and the site is more than 500-feet from the nearest permitted rental, the applicant shall have

no more than 90 days to complete an application, after which the position on the waiting list shall no longer be held. The waiting list request shall become void upon change in ownership. Property owners found to be operating without a vacation home rental permit are precluded from applying for a vacation home rental permit for a one (1) year period and are not allowed to be on the waiting list during that time period.

B. Property owners that have a valid vacation home rental permit from the County must demonstrate at the time of renewal that the property was rented in the prior ~~year~~ twelve (12) month period if it's not obvious in the associated Transient Occupancy Tax (TOT) returns for a minimum of ten (10) nights. Such demonstration may be made by any means acceptable to the County, including, but not limited to, evidence of bookings, rental receipts, rental agreements, or if it's not obvious in the associated Transient Occupancy Tax (TOT) returns. Failure to demonstrate this ~~may~~ shall result in the permit not being renewed. This is to prevent vacation home rental permits from being obtained with no intent to rent the property.

C. Renewals of existing permitted vacation home rentals in the Tahoe Basin, for which a vacation rental permit was granted based on an application submitted on or before November 1, 2020, shall not be limited based on the cap requirements. An application to renew a permit for a hosted or vacation rental shall be submitted no sooner than ~~180~~ 90 days before the expiration date of the existing permit, and no later than the date of expiration of that permit. Upon receipt of a complete application, the expiration of the existing permit shall be stayed until final action is taken on the renewal application.

Sec. 5.56.056. – Vacation Home Rental Clustering

No parcel shall be approved for a vacation home rental permit if it is within 500 feet of another parcel with a vacation home rental permit. Distances shall be measured from the closest property line of the property containing the currently licensed vacation home rental to the closest property line of the proposed vacation home rental measured using the El Dorado County Surveyors Geographic Information System. Currently licensed vacation home rentals shall not be denied a permit renewal based upon this criteria so long as they remain continuously licensed in good standing and owned by the same owner(s). Hosted home rentals are not subject to clustering.

Sec. 5.56.060. - Agency.

An owner may retain an agent, representative, or local contact to comply with the requirements of this chapter, including without limitation, the filing of an application for a VHR permit, the management of the vacation home rental, and the compliance with the conditions of the permit and standards of operation. The VHR permit shall be issued only to the owner of the vacation home rental.

An owner or host is required to comply with the requirements of this chapter including the filing of an application for an HHR permit, management of the hosted rental, and

compliance with the conditions of the permit and standards of operation. The HHR permit shall be issued to the owner or host of the hosted home rental.

When construing and enforcing the provisions of this chapter, the act, omission, or failure of any agent, representative, or local contact person acting for or employed by an owner, shall in every case be deemed also the act, omission, or failure of the owner.

Sec. 5.56.070. - Application for a hosted or vacation home rental permit.

An application for a permit shall be filed with the County prior to use of the property as a hosted or vacation home rental. Permit applications shall be on the forms provided by the County and shall contain the following information:

- A. The name, address, email, and telephone number of the owner(s) of the vacation home rental for which the permit is being issued;
- B. The name, address, email, and telephone number of the agent, or representative, ~~or~~ and local contact for the owner of the vacation home rental. The name, address, email, and telephone number of the host for a hosted home rental. If the host is someone other than the owner, they must provide evidence that they have the permission of the owner to operate the property as a hosted home rental and verification that the subject property is the host's primary residence;
- C. The number of permitted bedrooms, as ~~determined~~ approved ~~the~~ by Building ~~Division Official~~ and can be verified by reference to the ~~records~~ or Assessor's records, approximate habitable square footage in the hosted or vacation home rental, and the maximum allowable number of overnight occupants.
- D. Acknowledgment that all designated bedrooms meet all local building and safety code requirements;
- E. A diagram ~~and/or photograph~~ of the premises showing all structures, the number and location of designated on-site parking spaces, gas-fueled burning appliances, hot tubs or swimming pools, and location of the external sign. Within the Tahoe Basin all parking shall be on an impervious surface;
- F. A diagram of the interior of the premises showing every room labeled with its use, (I.E. bedrooms, offices, living room) and doors, windows, carbon monoxide/smoke detectors and fire extinguishers;
- ~~G.~~ Evidence of a valid business license issued by the County for the separate business of operating the hosted or vacation home rental, unless the operation of the vacation home rental is otherwise exempt from the requirement of a business license under the express provisions of this Code. Such license may be filed concurrently with the application for a permit under this chapter, however the hosted or vacation home rental permit must be issued before the business license is issued;
- ~~HG.~~ Evidence of a valid transient occupancy tax registration certificate issued by the County for the hosted or vacation home rental. Such registration may be filed concurrently with the application for a permit under this chapter, however the hosted

or vacation home rental permit must be issued before the transient occupancy tax registration certificate is issued;

- I.H. Acknowledgment that the owner, agent, host and local contact person have read all regulations pertaining to the operation of a hosted or vacation home rental;
- I.J. Certification of the accuracy of the information submitted and agreement to comply with all conditions of the permit, including the standards of operation contained herein;
- I.K. Acknowledgment that the owner, agent, or local contact has or will post the hosted or vacation home rental permit and visiting guest guidelines as with the notice required in Section 5.56.100;
- I.K.L. The source of drinking water for the hosted or vacation home rental;
- I.L.M. Disclosure of a hot tub or spa at the hosted or vacation home rental;
- I.N.M. Certification by the property owner and/or property owner's agent that independent garbage collection and disposal for the hosted or vacation home rental site is provided. The certification of garbage collection should include acknowledgement that the vacation home rental activity is subject to the solid waste management provisions of Chapter 8.42—Solid Waste Management and Chapter 8.76—Bear-Proof Garbage Can Requirements.
- I.O.N. An acknowledgement that the property shall may be inspected for compliance with this chapter prior to issuance or renewal of a permit or to maintain public safety and that the owner will grant access to the property for such inspection; and
- I.P.O. Such other information as the County deems reasonably necessary to administer this chapter.

Sec. 5.56.080. - Application fee.

An application for a hosted or vacation home rental permit shall be accompanied by an initial, non-refundable, fee established by resolution of the Board of Supervisors; provided, however, the fee shall be no greater than necessary to defer the cost incurred by the County in administering the provisions of this chapter. An annual, non-refundable renewal fee will be established by resolution of the Board of Supervisors and shall be no greater than necessary to defer the cost incurred by the County in administering the provisions of this chapter.

Sec. 5.56.085. – Fire and life safety inspection fee.

An initial application for a hosted or vacation home rental permit shall be accompanied by an initial fire and life safety inspection fee established by resolution of the Board of Supervisors; provided, however, the fee shall be no greater than necessary to defer the cost incurred by the contracted Fire Protection Agency/Department. Additionally, a bi-annual fire and life safety inspection fee shall be required upon permit renewal and shall be no greater than necessary to defer the cost incurred by the contracted Fire Protection Agency/Department to defer the cost incurred in performing the inspection. The fees may only be refunded if an application is withdrawn by the applicant prior to the performance of the inspection.

Sec. 5.56.090. - ~~Permit conditions~~Standards of Operation.

A. All Hosted and Vacation Home Rentals are required to comply with the following standards and shall not generate, encourage, or ignore potential disturbances which may disrupt the peace, safety, and general welfare of communities. Failure to comply with the standards of this section may result in fines and permit revocation as outlined in Section 5.56.140. All permits issued pursuant to this chapter are subject to the following standards of operation conditions:

1. Maximum Occupancy. The owner shall, by written agreement with any renter, limit overnight occupancy of the vacation home rental to the specific number of occupants designated in the permit. The number of overnight occupants shall not exceed two persons per permitted bedroom, plus two additional persons per residence. Children five-six years of age or younger-older are not counted towards the occupancy limits. Occupancy may be lowered pursuant to the outcome of the fire and life safety inspection. -Occupancy cannot be increased after a HHR or VHR permit is issued. The property owner shall ensure that all contracts and online listings and advertisements clearly set forth the maximum number of overnight guests permitted at the property. The owner shall, by written agreement with any renter, limit overnight occupancy of the vacation home rental to the specific number of occupants designated in the permit.

~~A bedroom shall only be recognized as such for purposes of this ordinance if it has been approved and inspected by the Building Official, and can be verified by reference to the Assessor's office.~~

2. Noise. Occupants and/or guests of the hosted or vacation home rental shall not create unreasonable noise in violation of this Chapter. Unreasonable noise includes, but is not limited to, voices, loud and raucous noise, or amplified music heard at the property line and of such a volume or intensity or carrying power as to interfere with the peace and quiet of persons upon residential property or public ways. use or operate any outdoor spa or hot tub, create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any State law pertaining to noise or disorderly conduct at any time between the hours of 10:00 p.m. and 8:00 a.m. The property owner shall ensure that the quiet hours and limits on outdoor activities are included in rental agreements and in all online advertisements and listings.
3. Hot Tub. Occupants and/or guests of the hosted or vacation home rental shall not use or operate any outdoor spa or hot tub, create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any State law pertaining to noise or disorderly conduct at any time between the hours of 10:00 p.m. and 8:00 a.m. The property owner shall ensure that the quiet hours and limits on outdoor activities are included in rental agreements and in all online advertisements and listings.

34. Visitors. The number of people present in any hosted or vacation home rental shall not exceed the maximum occupancy designated in the ~~vacation home~~ rental permit for that property at any time between the hours of 10:00 p.m. and 8:00 a.m. not including the host;
45. Trash and Refuse. The owner of the hosted or vacation home rental shall comply with all the solid waste management provisions of Chapter 8.42—Solid Waste Management. In the Silver Fork, Tahoe Truckee Unified, and Lake Tahoe Unified School Districts~~Lake Tahoe Basin~~, the owner of the vacation home rental shall also comply with the Bear-Proof Garbage Can Requirements of Chapter 8.76—Bear-Proof Garbage Can Requirements. Any violation of the Bear-Proof Garbage Can Requirements at a permitted Vacation Home Rental is a violation of this chapter. Notwithstanding anything to the contrary contained herein, hosted home rentals are not subject to the mandatory bear-proof garbage can requirements of El Dorado County Ordinance Code § 8.76.079.
56. ~~Tahoe Basin~~ Snow Removal. The owner of the hosted or vacation home rental shall notify the occupants of their obligations to comply with all snow removal provisions of Chapter 10.12—Parking~~;~~. Additionally, the driveway and access to the front door of the property shall be cleared of snow adequately to provide egress and ingress at all times. The driveway shall be cleared to allow the permitted number of vehicles to be parked onsite.
76. Limit on Number of Vacation Home Rentals per Parcel. One ~~Vacation vacation Home-home Rental-rental~~ shall be permitted per parcel. Only the primary ~~single family~~single-family residence, one unit of a duplex, or a single unit condominium meeting current standards shall be used as a vacation home rental.
78. Limit on Number of Hosted Home Rentals per Parcel. One hosted home rental shall be permitted per parcel. Only a portion of the primary single-family residence or attached guest house meeting current standards shall be used as a hosted home rental.
9. Fire and Life Safety Inspection Requirements. The following conditions shall be met ~~within~~at the HHR or VHR and shall be in place prior to issuance of an HHR or VHR permit, subject to inspection:
- a. Residential street address clearly visible.
 - b. Functional smoke alarms. Smoke alarms, in good working order, shall be installed in accordance with the California Building Code and at a minimum shall be installed in each bedroom, and at least one alarm shall be installed on every level of the HHR or VHR, including basements and habitable attics.
 - c. Functional carbon monoxide alarms. Carbon monoxide alarms, in good working order, shall be installed in accordance with the California Building Code and at a minimum shall be installed outside each bedroom and on every level of the HHR or VHR unit, including basements and habitable attics, and bedrooms or

attached bathrooms with a fuel-burning appliance, and shall be installed in accordance with the manufacturer's installation specifications.

~~d. Landline phone service installed if cell phone service is inadequate.~~

~~ed.~~ NFPA 13D Residential sprinkler system functional, if installed.

~~fe.~~ ~~Portable fire~~ Fire extinguisher. Each HHR and VHR shall be equipped with one five-pound fire extinguisher, installed at a readily available location near the kitchen. If the HHR or VHR has more than one level, an extinguisher must be mounted within each level. Fire extinguishers shall be inspected annually by a certified professional to ensure the extinguishers are in good working order.

~~gf.~~ Windows in bedrooms and sleeping areas are operable and do not have bars or other obstructions that prevent egress. Occupancy may be lowered pursuant to the outcome of the fire and life safety inspection.

~~hg.~~ Extension cords are not used as permanent wiring for lights or appliances.

~~ih.~~ Outdoor fire areas and fire pits. ~~When not prohibited by State or local fire regulations, outdoor burning shall be limited to natural gas or propane fuel. The burning of solid fuel, including wood and charcoal briquettes, is not allowed. three feet in diameter, located on a non-combustible surface, covered with fire screens, and located no closer than within 25 feet of a structure or combustible material. Use of fire areas shall require a campfire permit issued by CALFIRE.~~

~~ji.~~ ~~All required signage, both exterior and interior.~~ Signage and postings as required in section 5.56.100 and 5.56.105.

~~kj.~~ Defensible space must be compliant with the El Dorado County Vegetation Management and Defensible Space Ordinance Chapter 8.09. Failure to comply with that ordinance will be a violation of this chapter.

§10. Fireworks or incendiary devices are restricted in compliance with El Dorado County Ordinance Code 8.08. and Weapons in compliance with 9.44.

~~B. The Board of Supervisors at a duly noticed meeting shall have the authority to impose additional standard conditions applicable to vacation home rentals as necessary to achieve the objectives of this chapter.~~

Sec. 5.56.095. - Advertisement requirements.

The owner, host or agent shall include all of the following information in any online advertisements and/or listings for the hosted or vacation rental property:

A. The HHR or VHR permit number and the transient occupancy tax certificate number;

- B. ~~The Number of bedrooms and maximum occupancy, not including children five years of age or younger; Conditional Use Permit number, if applicable;~~
- C. ~~The location and number of onsite parking spaces; Number of bedrooms and maximum occupancy, not including children five or younger;~~
- D. Notification that quiet hours must be observed between 10:00 p.m. and 8:00 a.m.;
and
- E. Notification that occupancy is limited to the maximum designated in the HHR or VHR permit between the hours of 10:00 p.m. and 8:00 a.m. not including the host;
and
- F. ~~The transient occupancy tax certificate number for that particular property.~~

Sec. 5.56.100. - Interior sign and notification requirements.

A copy of the County-issued permit and a copy of the associated conditions, which are listed below, shall be posted ~~in a conspicuous place~~ within the hosted or vacation home rental adjacent to the front door. Additionally, each hosted or vacation home rental shall post the County-issued Visiting Guest Guidelines pamphlet so that both sides are legible adjacent to the front door. ~~have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:~~

- A. ~~The name of the managing agency, agent, property manager, local contact, or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis; The Vacation Home Rental Hotline Number;~~
- B. The maximum number of occupants permitted to stay in the unit, not including the host;
- C. The parking rules for seasonal snow removal;
- D. Notification that the use of solid fuel (wood or charcoal briquettes) burning appliances are not allowed outside, and no fires of any kind are allowed during red flag days;
- E. The trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the property except from 6:00 a.m. to 6:00 p.m. on the day designated for trash pickup. For sites with a bear-proof garbage can enclosure: all garbage must be placed in a plastic or metal garbage can with a lid inside the bear-proof garbage can enclosure. Bagged or loose garbage may not be placed inside the bear-proof garbage can enclosure unless it is in a garbage can. Failure to utilize the provided bear-resistant garbage can enclosure, unless otherwise exempted, is a violation of this chapter;
- F. Notification that the owner may be cited and fined for actions by the occupants violating provisions of this chapter including excess occupancy, creating unreasonable noise or disturbances, engaging in disorderly conduct, or violating provisions of this chapter or any State Law pertaining to noise or disorderly conduct

~~between the hours of 10:00 p.m. and 8:00 a.m., may be cited and fined for creating a disturbance or for violating other provisions of this chapter;~~

~~FG. Notification that events as defined herein are a violation of this chapter;~~

~~H. Notification that failure to conform to the parking and-or occupancy requirements of the structure is a violation of this chapter;~~

~~GI. Notification if the source of drinking water at the hosted or vacation home rental is not a public water system; and~~

~~HJ. Notification that occupants and/or guests of the hosted or vacation home rental shall not use or operate any outdoor spa or hot tub or create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any State law pertaining to noise or disorderly conduct between the hours of 10:00 p.m. and 8:00 a.m.~~

Sec. 5.56.105. - Exterior sign requirements.

Each ~~hosted and~~ vacation home rental shall have signage posted on the property that is clearly visible and legible from the property line. ~~Exterior signage shall consist of the El Dorado County--issued sign listing the permit number, occupancy, and VHR hotline number. All owners must purchase and use the El Dorado County--issued sign which will be made available for purchase from the County at an amount not to exceed the County's actual cost of production, as more specifically set forth in the County's adopted fee schedule. Within areas requiring a bear-proof garbage can enclosure, the exterior sign shall be attached to the installed bear-proof garbage can enclosure. For condominiums the sign shall be posted at the entrance of the rental. For all other locations the exterior sign shall be posted within ten (10)-feet of the property line at the location of the driveway. Exterior postings shall be clear of snow and remain visible in the winter., containing the following information:~~

~~A.—The vacation home rental permit number;~~

~~B.—The name of the local contact and a telephone number at which that party may be reached on a 24-hour basis;~~

~~C.—The maximum number of occupants permitted to stay in the unit;~~

~~D.—All signage shall comply with font and size requirements established by County.~~

Sec. 5.56.110. - Parking.

All permissible uses shall comply with the County parking, driveway, loading standards, and seasonal snow removal regulations.

~~1. On-site parking for all vehicles, boats and trailers shall be provided for each HHR and VHR. Each rental must provide a minimum of two on-site parking spaces. Within the Tahoe Basin, the parking spaces shall be located on an impervious surface.~~

~~2. There shall be no parking on the roadway between November 1 and May 1 at elevations above 3,000 feet and parking shall not encroach into the County right-of-~~

way. Parking on or blocking neighboring private driveways is a violation of this chapter.

3 The location and number of vehicles allowed shall be clearly listed in all rental agreements and in all online advertisements and listings per Section 5.56.095.

Sec. 5.56.120. — Noise and Events.

All ~~residential-hosted and~~ vacation home rentals shall comply with the following standards:

- A. It shall be unlawful for any person on residential property or a public way to make or continue, or cause to be made or continued, any offensive, excessive, unnecessary, or unusually loud, or raucous noise, or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others on residential property or public ways within the County.
- B. It shall be unlawful to allow, permit, encourage, organize, promote, conduct, or advertise any entertainment, game, show, exhibition, activity, amusement, concert, gathering, wedding or assembly of persons, ~~where there will be presented outdoor live or recorded musical entertainment without first obtaining a Conditional Use Permit. Private events are allowed under the following provisions:~~
 - ~~1. The occupants and/or guests of the vacation home rental shall not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any State law pertaining to noise or disorderly conduct;~~

Compliance with this standard shall be in addition to compliance with all other provisions of this Code relating to nuisance, peace, and safety.

Sec. 5.56.130. - Certified local contact, ~~owner,~~ or host responsibilities.

- A. Each owner of a vacation home rental shall designate a local contact. The local contact may be a professional property manager, realtor, property owner, or other designated person who is available 24 hours per day, seven days per week during all times that the property is rented, and has access and authority to assume management of the unit and take remedial measures. An owner of a vacation home rental who resides within 30 minutes travel distance from the vacation home rental may designate himself or herself as the local contact. The local contact shall be required to abate a ~~nuisance relating to~~potential violation including but not limited to -occupancy, noise, trash, parking, events or any other ~~guest~~-violation within 30 minutes after being notified ~~of the existence of a potential violation of this chapter~~ including visiting the site if necessary. ~~All abated nuisances shall be reported to the County in compliance with 5.56.150. Failure to respond twice to Code Enforcement and cure a violation within 30 minutes shall revoke the certification of the local contact. This decision shall be appealable per section 5.56.150.~~
- B. The owner or owner's agent must immediately notify the County in writing upon a change of local contact or the local contact's telephone number. This notification will be

on forms prescribed by the County. The revised permit will not extend the renewal date of the vacation home rental permit, and will be issued for a fee not to exceed the cost of issuance. The name and ~~24-hour~~24-hour contact information of the local contact shall be made available to the public. ~~The changes must be posted on both the interior and exterior signage of the vacation home rental within ten days of any change of contact information.~~ Failure to comply with this section ~~may shall~~ be deemed a violation ~~by the owner of this chapter.~~

- C. ~~Each owner of a hosted home rental shall designate a host. The host shall be a designated person who lives and stays in the house as their primary residence and is available 24 hours a day during all times that the property is rented. An owner of a hosted home rental who lives at the property may designate himself or herself as the host. The host shall be required to abate a nuisance relating to noise, trash, parking, or any other guest violation within 30 minutes after being notified of the existence of a potential violation of this chapter. The loss of a host shall void the hosted home rental permit.~~
- D. For all permits, the host or local contact shall have successfully completed a training course and achieved a qualifying score on a county-administered certification test. ~~Once certified, the local contact or host will not be required to become re-certified every two years, but~~ and must continue to comply with all provisions set forth in this section, ~~including timely reporting of all complaints and their resolutions,~~ in order to remain certified. There may be one or more hosts or local contacts for a given HHR or VHR, however, the phone number on record to be used ~~to report initial complaints by Code Enforcement~~ shall be valid to reach an available certified local contact. Operation of a hosted or vacation home rental without a valid certified host or local contact, or without a valid contact phone number, ~~or the failure to report a complaint and resolution~~ shall be considered a violation of this ~~section~~chapter.
- ~~DE.~~ The owner or the owner's agent, representative, host or local contact for the HHR or VHR is responsible for the following:
1. Ensuring that the HHR or VHR complies with all posting requirements, fire and life safety requirements, standards of operation and other provisions of this chapter at all times when the house is used as a HHR or VHR.
 2. Obtaining the name, address, and contact information for the primary ~~each~~ renter(s) age 18 or over.
 3. Providing the renters a ~~written~~ copy of the County-issued Visiting Guest Guidelines. ~~occupancy limits for overnight and daytime hours, quiet hours, any parking restrictions including for snow removal, trash pick-up day and bear box instructions, requirements for campfire permits, and all other rules and regulations, and that should any violation of this chapter occur, that fines may be imposed in accordance with Sections 5.56.150 and 5.56.200.~~
 4. Obtaining formal, written acknowledgement from the primary ~~all~~ renter(s) ~~over the age of 18~~ that he or she is legally responsible for compliance of all occupants of the VHR with knowledgeable of all applicable laws, rules, and regulations pertaining to

~~the use and occupancy of the VHR, and that should any violation of this chapter occur, that fines may be imposed in accordance with Sections 5.56.150 and 5.56.200. This information shall be maintained by the local contact for a period of one year from date of occupancy and be made available upon request of any officer of the County responsible for the enforcement of any provision of this chapter or any other applicable law, rule, or regulation pertaining to the use and occupancy of the VHR.~~

5. Being available by phone in case of complaints and being available to respond on-site if necessary to resolve complaints that are in violation of this chapter in accordance with Section 5.56.140.50(A).

Sec. 5.56.140. - Enforcement, violation and penalties.

- ~~A. A.~~ Failure of an owner ~~or renter~~ to abide by any of the provisions of this chapter shall constitute a ~~threat to public health and safety violation~~ subject to imposition of the penalties specified in ~~s~~Subsections ~~B, C and D~~ of this section. ~~Fines will be imposed on the party deemed responsible for the violation.~~ Violations ~~of this chapter such as failure to obtain proper permits, provide local contact response, comply with advertisement or signage requirements, or provide required trash, fire, or life safety equipment~~ shall result in fines and penalties being imposed on the owner. ~~The owner will be held liable for the fines should the host(s) fail to pay. Violations such as exceeding occupancy limits, quiet hours, hot tub use, or other nuisance requirements shall result in fines being imposed on renters. However, v~~Violations ~~of this chapter or referenced Code chapters within this chapter~~ by either an owner or renter at a given property ~~may shall~~ be counted towards the number of violations ~~in sections C and D below~~ related to suspension or revocation of a permit.
- ~~B.~~ The owner of any hosted or vacation home rental that is determined to be operating without the necessary permit required under this chapter shall be subject to violations and penalties. The first violation for operating without the necessary permit shall receive a warning with five (5) days to resolve the violation. A second violation for operating without the necessary permit shall receive fines as listed below in subsection C. Each day of operation without a permit shall constitute a separate violation and is subject to an additional penalty. In addition, any hosted or vacation home rental found to be operating without a permit will not be permitted to obtain a permit until all past due transient occupancy taxes, penalties and interest are paid in full and will be precluded from applying for a rental permit or from being on or added to the waiting list for a one (1) year period from the Notice of Violation.
- ~~C.~~ If a trash and refuse related violation is not resolved within the initial 30-minute period, each 60-minute period thereafter is a separate Notice of Violation for a total of up to three violations. The fines and violations will be cumulative. If the violation is not cured within eight (8) hours from the initial Notice of Violation, the vacation home rental permit shall be suspended.

D.B. The fine for violations specified in ~~Subsection~~subsection A, B and C of this section shall be as follows:

1. For the first violation (or second violation for renting without a permit) within any ~~1812~~-month period, the fine shall not exceed \$~~1,500.00~~;
2. For a second violation (or third violation for renting without a permit) within any ~~1812~~-month period, the fine shall not exceed \$~~753,000.00~~;
3. For a third violation (or fourth violation for renting without a permit) within any ~~1812~~-month period, the fine shall not exceed \$~~15,000.00~~.
4. For any additional violation within any ~~1812~~-month period, the fine shall not exceed \$~~5,000.00~~.

Upon notice to an owner or host of a violation and the imposition of a fine, the owner or host has a right to contest the notice by filing for an administrative hearing before a hearing officer as outlined in section 5.56.150(B). If the owner or host also wishes to seek a hardship waiver to reduce the amount of any fines, such request must be included in the request for an administrative hearing. The request for a hardship waiver shall only be granted upon a showing by the responsible party that the fine or fee would impose an undue financial burden and that the party made a bona fide effort to comply after the first violation.

EC. A permit ~~may shall~~ be suspended after a property has ~~at least three (3)~~ violations ~~occurring on separate dates~~ within any 18-month period. The suspension shall ~~not exceed be for~~ six months.

FD. A permit ~~may shall~~ be revoked in accordance with the provisions of Section 5.56.150 after a property has ~~at least four (4)~~ violations ~~occurring on separate dates~~ within any 18-month period. ~~An owner may petition the County for reinstatement no sooner than 12 months after revocation.~~

Sec. 5.56.150. - Procedure for notice of violation and imposition of penalties: fine/suspension/revocation.

Notice of violation, and penalties, including: fines, suspension, and revocation of permits, shall be imposed only in the manner provided in this section.

- A. Initial complaints shall be directed to El Dorado County Code Enforcement. Code Enforcement will contact the host or certified local contact on record. The host or certified local contact shall be available 24 hours a day during all times when the property is rented, and shall be available by phone during these hours. Should a problem arise and be reported to the host or certified local contact, ~~they-certified local contact-~~ shall be responsible for contacting the renter and correcting the problem within 30 minutes, including visiting the site if necessary to ensure that the issue has been corrected. ~~The certified local contact shall report any such complaints, and their resolution or attempted resolution(s), to the County within 24 hours of the occurrence. Failure to respond to complaints or report them shall be considered a violation of this section.~~

B. ~~When If the issue continues or reoccurs following initial complaint to the certified local contact and Code or Law Enforcement~~ is contacted, enforcement staff shall investigate whether a violation has occurred. The investigation ~~may~~ shall include an inspection of the premises and may result in the issuance of an on-site citation. ~~by code enforcement if they deem such warranted.~~

If the violation is warranted but the host or local contact has resolved the violation within 30-minutes, a warning shall be issued. Three (3) separate warning issued to a hosted or vacation home rental within 18-months shall result in a Notice of Violation.

Sheriff reports, online searches, citations or documentation provided by members of the public including, but not limited to, signed declarations, photos, sound recordings and video may constitute proof of a violation. Should the investigation reveal sufficient evidence to support a finding that a violation occurred, the County shall issue written notice of the violation and intention to impose a penalty in accordance with this chapter. The written notice shall be served either by first class mail or by personal service on the owner and if applicable to the host. ~~and if applicable, the renter(s).~~ The written notice shall specify the facts which, in the opinion of the County, constitute sufficient evidence to establish grounds for imposition of the penalty and specify that the fine, or fine and suspension, or fine and revocation will be imposed 15 calendar days from the date of the notice unless the owner, and if applicable the host, or renter(s) files with the County a request for a hearing before the Code Enforcement Hearing Officer. The party requesting a hearing shall also deposit the full amount of the fine and hearing fee at the time of filing the Request for Hearing.

C. If the owner or host or renter(s) requests a hearing within the time specified in ~~Subsection~~ subsection B of this section, the County shall serve written notice of the date, time, and place for the hearing on the requesting party. The request for a hearing may include a request for a hardship waiver pursuant to Governmental Code § 25132. The written notice shall be served either by first class mail or by personal service on the requesting party. The hearing shall be scheduled not less than 15 calendar days, nor more than 60 calendar days from receipt by the County of the request for a hearing. The Code Enforcement Hearing Officer will preside over the hearing and conduct the hearing according to the rules normally applicable to administrative hearings. The Code Enforcement Hearings Officer shall determine if the County is required to provide a hardship waiver to the owner. The Code Enforcement Hearing Officer shall render a decision within 30 calendar days of the hearing and submit findings and recommendations to the County. The County shall impose the penalty in accordance with Section 5.56.140 upon the finding that a violation has been proven by a preponderance of the evidence, and that the fine, or fine and suspension, or fine and revocation is consistent with the provisions of Sections 5.56.140. ~~B, C and D.~~ The decision will be mailed by first class mail to the owner, and if applicable to the ~~renter~~ host, at the last known mailing address provided by that party. Deposit of the decision in the U.S. Postal Service is presumptive evidence that the party or party's agent has received notice of the decision.

Sec. 5.56.160. - Permits and fees not exclusive.

Permits and fees required by this chapter shall be in addition to any license, permit, or fee required under any other chapter of this Code. The issuance of any permit pursuant to this chapter shall not relieve the owner of the obligation to comply with all other provisions of this Code pertaining to the use and occupancy of the vacation home rental or the property on which it is located.

~~Sec. 5.56.170. — Operation of a vacation home rental without a permit—Penalty.~~

~~The owner of any vacation home rental that is determined to be operating without the necessary permit required under this section shall be subject to the penalties listed above in Section 5.56.140. Each day of operation without a permit shall constitute a separate violation and is subject to an additional penalty. In addition, any vacation home rental found to be operating without a permit will not be permitted to obtain a permit until all past due transient occupancy taxes, penalties and interest are paid in full and will be precluded from applying for a vacation home rental permit or from being added to the waiting list for a one (1) year period.~~

Sec. 5.56.1780. - Enforcement of chapter.

The Sheriff or his or her designee and the El Dorado County Code Enforcement Division is hereby authorized and directed to establish such rules and regulations as may from time to time be required to carry out the purpose and intent of this chapter. Substantive changes to this chapter can only be made by the Board of Supervisors.

Sec. 5.56.1980. - Private actions to enforce.

- A. Any person who has suffered, or alleges to have suffered, damage to person or property because of a violation of this chapter may bring an action for money damages and any other appropriate relief in a court of competent jurisdiction against the party alleged to have violated this chapter. The prevailing party in any such litigation shall be entitled to recover reasonable litigation costs, including attorney's fees in an amount deemed reasonable by the court.
- B. Nothing herein shall be deemed or construed to create any right of action against the County or any of its officers, employees, or agents. The sole purpose and intent of this section is to create a right of action between private parties, entities, and interests, which are or may be impacted or affected by various aspects of hosted or vacation home rentals within the County.

Section 2. Compliance with California Environmental Quality Act.

The Board of Supervisors finds that this ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15060(b) and (c), because the activity will not result in a direct or reasonably foreseeable indirect physical

change in the environment, and because it is not a project as defined in CEQA Guidelines section 15378, as it has no potential for resulting in physical change to the environment, directly or indirectly. Additionally, or alternatively, the Ordinance is exempt from CEQA under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that this Ordinance or its implementation would have a significant effect on the environment.

Section 3. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter irrespective of whether one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases is held invalid or ineffective.

Section 4. Effective Date.

This ordinance shall become effective 30 days following adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the _____ day of _____, 20__, by the following vote of said Board:

Ayes:

Noes:

Absent:

ATTEST

KIM DAWSON

Clerk of the Board of Supervisors

Deputy Clerk
Board of Supervisors

~~Brian Veerkamp~~ Wendy Thomas, Chair,

**APPROVED AS TO FORM
DAVID LIVINGSTON
COUNTY COUNSEL**

By: _____

Roger Runkle
Deputy County Counsel

