



ORDINANCE NO. _____

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

Section 1. 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. 5.56.020. - 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. Hosted home rentals provide a community benefit by allowing full-time residents to remain in their home while generating supplemental income;
- 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 and illegal hosted home rentals where a host was not present, 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 improperly managed 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 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. 5.56.030. - 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 hosted and vacation home rentals during the rental period. These restrictions do not apply when owners are utilizing their properties for their own personal use. Notwithstanding anything contained herein, in the event of a conflict between any provision of this Chapter and any provision of Chapter 130.44 (Ranch Marketing) or Section 130.40.400 (Wineries), the applicable provision of Chapter 130.44 (Ranch Marketing) or Section 130.40.400 (Wineries) shall prevail and any activities conducted in accordance with Chapter 130.44 (Ranch Marketing) or Section 130.40.400 (Wineries) shall not constitute a violation of this Chapter.

Hosted and vacation home rentals, as defined below, shall not be permitted on vacant land, in non-habitable structures, accessory structures, detached guest houses; within accessory or 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 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, including Agricultural and Timber Resource Lodging, Bed and Breakfast Inns, and Health Resort and Retreat Center, which are regulated by Section 130.40 of the El Dorado County Code of Ordinances.

Sec. 5.56.040. - 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. 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 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 within a 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. 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 Code Enforcement questions or concerns and take remedial action and respond to any violation of this chapter within a half hour.

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.

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.

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.

Sec. 5.56.050. – Hosted or vacation 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, transient occupancy 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 it.

A. The Planning and Building Department shall maintain a waiting list in the event that the 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 twelve (12) month period 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 Transient Occupancy Tax (TOT) returns. Failure to demonstrate this 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 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, other than those located within the Lake Tahoe Basin portion of the unincorporated area of El Dorado County, are subject to the anti-clustering requirements of this section in the same manner as vacation home rentals.

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 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 approved the by Building Official and can be verified by reference to the 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 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. 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;
- H. 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. 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;
- 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;

- 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 required in Section 5.56.100;
- L. The source of drinking water for the hosted or vacation home rental;
- M. Disclosure of a hot tub or spa at the hosted or vacation home rental;
- N. 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.
- O. An acknowledgement that the property shall 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
- P. 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. - 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:

1. **Maximum Occupancy.** The number of overnight occupants shall not exceed two persons per permitted bedroom. Children six years of age or older are 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.
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.
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.
4. **Visitors.** The number of people present in any hosted or vacation home rental shall not exceed the maximum occupancy designated in the 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;
5. **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, 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 § 8.76.070.
6. **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.
7. **Limit on Number of Vacation Home Rentals per Parcel.** One vacation home rental shall be permitted per parcel. Only the primary single-family residence, one unit of

a duplex, or a single unit condominium meeting current standards shall be used as a vacation home rental.

8. 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 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. NFPA 13D Residential sprinkler system functional, if installed.
 - e. Fire extinguisher. Each HHR and VHR shall be equipped with a fire extinguisher, type 2A10BC or equivalent, mounted at a readily available and visible location per floor. Fire extinguishers shall have the Office of the State Fire Marshall service tag attached showing annual compliance and be in good working order.
 - f. 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.
 - g. Extension cords are not used as permanent wiring for lights or appliances.
 - h. 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.
 - i. Signage and postings as required in section 5.56.100 and 5.56.105.
 - j. Defensible space must be compliant with the El Dorado County Hazardous Vegetation 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.

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;
- C. The location and number of onsite parking spaces;
- 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;

Sec. 5.56.100. - Interior sign and notification requirements.

A copy of the County-issued permit and associated conditions, which are listed below, shall be posted 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.

- A. The Vacation Home Rental Hotline Number;
- B. The maximum number of occupants permitted to stay in the unit, not including the host;
- C. Notification that all parking shall be contained within the parcel on an impervious surface and the County's parking rules during seasonal snow removal periods;
- 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. on the day of 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 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. an 8:00 a.m. ;

- G. Notification that events as defined herein are a violation of this chapter;
- H. Notification that failure to conform to the parking or occupancy requirements of the structure is a violation of this chapter;
- I. Notification if the source of drinking water at the hosted or vacation home rental is not a public water system; and
- J. Notification that occupants and/or guests of the hosted or vacation home rental shall not use or operate any outdoor spa or hot tub 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.

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. 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 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.

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 potential violation including but not limited to occupancy, noise, trash, parking, events or any other violation within 30 minutes after being notified including visiting the site if necessary. 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 contact information of the local contact shall be made available to the public. Failure to comply with this section shall be deemed a violation 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. The local contact or host will be required to become re-certified every two years, and must continue to comply with all provisions set forth in this section 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 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 shall be considered a violation of this chapter.

- E. 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 renter(s).
 3. Providing the renters a copy of the County-issued Visiting Guest Guidelines.
 4. Obtaining formal, written acknowledgement from the primary renter(s) that he or she is knowledgeable of all applicable laws, rules, and regulations 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.

Sec. 5.56.140. - Enforcement, violation and penalties.

- A. Failure of an owner or host to abide by any of the provisions of this chapter shall constitute a threat to public health and safety subject to imposition of the penalties specified in subsection D of this section. Violations of this chapter shall result in fines and penalties being imposed on the owner or host. The owner will be held liable for the fines should the host(s) fail to pay. Violations of this chapter or referenced Code chapters within this chapter by either an owner, host or renter at a given property shall be counted towards the number of violations 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 D. 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. The fine for violations specified in 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 12-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 12-month period, the fine shall not exceed \$3,000.00;
 3. For a third violation (or fourth violation for renting without a permit) within any 12-month period, the fine shall not exceed \$5,000.00.
 4. For any additional violation within any 12-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.

- E. A permit shall be suspended after a property has three (3) violations within any 18-month period. The suspension shall be for six months.
- F. A permit shall be revoked in accordance with the provisions of Section 5.56.150 after a property has four (4) violations within any 18-month period.

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 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.
- B. When Code or Law Enforcement is contacted, enforcement staff shall investigate whether a violation has occurred. The investigation shall include an inspection of the premises and may result in the issuance of an on-site citation.

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 warnings issued to a hosted or vacation home rental within 24-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. 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, 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 requests a hearing within the time specified in 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. The decision will be mailed by first class mail to the owner, and if applicable to the 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. - 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. 5.56.180. - 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

Wendy Thomas, Chair, Board of Supervisors

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

By: _____

Roger Runkle
Deputy County Counsel