

## **Chapter 5.57X**

### **VACATION HOME RENTALS ON THE WEST SLOPE**

#### **5.57.010 Title.**

This chapter shall be referred to as the West Slope vacation home rental ordinance.

#### **5.57.020 Applicability.**

The provisions of this chapter apply to the unincorporated portions of the county except for those properties located within the jurisdictional boundaries of the Tahoe Regional Planning Agency. 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.

#### **5.57.030 Definitions.**

For purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

- A. "Local contact person" means a local property manager, owner or agent of the owner, who is available to respond to tenant and neighborhood questions or concerns, or any agent of the owner authorized by owner to take remedial action and respond to any violation of this ordinance.
- B. "Loud and raucous noise" means:
1. The human voice or any record or recording thereof when amplified by any device whether electrical or 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.
- C. "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.
- D. "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 other capacity. Where the operator performs his functions through a managing agent of any type of character, other than an

employee, or where the operator performs his functions through a rental agent, the managing agent or the rental agent shall have the same duties as his 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.

E. "Owner" means the person or entity that holds legal and/or equitable title to the private property.

F. "Person" means an individual, a group of individuals, or an association, firm, partnership, corporation or other entity, public or private.

G. "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.

H. "Private" means intended for or restricted to the occupants and/or guests of his or her vacation home rental. Not for public use.

I. "Vacation home rental" means one (1) or more dwelling units, including either a single family home, duplex or single condominium unit, rented for the purpose of overnight lodging for a period of not less than one (1) night and not more than thirty (30) days other than ongoing month-to-month tenancy granted to the same renter for the same unit.

### **5.57.040 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 lodging facilities available and assist owners of vacation home rentals by providing revenue which may be used for maintenance upgrades and deferred costs;

B. The provisions of this chapter are necessary to: maintain the peace and repose of neighborhoods and the health and safety of occupants of vacation home rentals; delineate parking standards for transient occupants for the safety of all residents and visitors and ensure access for emergency vehicles;

C. The provisions of this chapter are necessary to prevent ~~or mitigate the~~ continued a burden on county services and ~~impacts on residential~~ neighborhoods posed by vacation home rentals.

### **5.57.050 Vacation Home Rental Permit Requirements.**

No owner of a vacation home rental shall rent that unit for thirty (30) consecutive calendar days or less without a valid vacation home rental permit for that unit issued pursuant to this chapter. A separate permit shall be required for each vacation home rental. The permit requirements of this chapter are in addition to any business license, hotel/motel tax registration or any other permit or licensing requirements. However, at the discretion of the county tax collector, the processing of permits required under this chapter may be combined with the processing of business licenses, hotel/motel tax registration or any other permit or license process administered by the county tax collector. The county tax collector is authorized to prescribe forms and procedures for the processing of permits under this chapter.

### **5.57.060 Agency.**

An owner may retain an agent, representative or local contact person to comply with the requirements of this chapter, including, without limitation, the filing of an application for a permit, the management of the vacation home rental and the compliance with the conditions of the permit. The permit shall be issued only to the owner of the vacation home rental. The owner of the vacation home rental is responsible for compliance with the provisions of this chapter and the failure of an agent, representative, or local contact person to comply with this chapter shall be deemed non-compliance by the owner.

### **5.57.070 Application for Vacation Home Rental Permit.**

An application for a permit shall be filed with the tax collector or designee prior to use of the property as a vacation home rental. Permit applications for properties presently used as vacation home rentals shall be filed within ninety (90) days of the effective date of this ordinance upon forms provided by the county and shall contain the following information:

- A. The name, address and telephone number of the owner of the vacation home rental for which the permit is to be issued;
- B. The name, address and telephone number of the agent, representative or local contact person for the owner of the vacation home rental;
- C. The number of bedrooms and approximate square footage in the vacation home rental, and the maximum 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 and indicating the number and location of designated on-site parking spaces and the maximum number of vehicles allowed for overnight occupants;
- F. Evidence of a valid business license issued by the county for the separate business of operating the 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. An application for a permit under this chapter may be made concurrent with an application for a business license. If concurrent applications are made, a permit under this chapter shall not be approved unless the application for the business license is also approved;
- G. Evidence of a valid transient occupancy tax registration certificate issued by the county for the vacation home rental. Such registration may be filed concurrently with the application for a permit under this chapter;
- H. Acknowledgment that the owner, agent and local contact person have read all regulations pertaining to the operation of a vacation home rental;
- I. Certification of the accuracy of the information submitted and agreement to comply with all conditions of the permit;
- J. Acknowledgment that the owner, agent, or local contact person has or will post the vacation home rental with the notice required in Section 10;
- K. The source of drinking water for the vacation home rental;
- L. Disclosure of a hot tub or spa at the vacation home rental;
- M. Such other information as the tax collector or designee deems reasonably necessary to administer this chapter.

If the information supplied by the property owner on the application for a vacation home rental permit is not consistent with county records, an inspection can be required prior to or after the issuance of the vacation home rental permit. An inspection fee established by resolution of the board of supervisors shall be charged for any inspection requested by a property owner.

### **5.57.080 Application Fee.**

An application for a vacation home rental permit shall be accompanied by an initial 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 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.

### **5.57.090 Permit Conditions.**

A. All permits issued pursuant to this chapter are subject to the following standard conditions:

1. The owner shall by written agreement, limit overnight occupancy of the vacation home rental to the specific number of occupants designated in the permit; with the number of overnight occupants not to exceed two (2) persons per bedroom meeting building code requirements, plus four (4) additional persons per residence. A bedroom is a room that is designed to be used as a sleeping room and for no other primary purpose. Every bedroom shall have an emergency escape or rescue exit and a minimum ceiling height as follows:

(a) Bedrooms shall have at least one (1) operable window or door approved for emergency escape or rescue that opens directly into a public street or yard. The emergency door or window shall be operable from the inside to provide a full, clear opening without the use of separate tools. Escape or rescue windows shall have a minimum net clear openable area of five point seven (5.7) square feet. The minimum net clear openable height dimension shall be twenty-four (24) inches. The minimum net clear openable width dimension shall be twenty (20) inches. When windows are provided as a means of escape or rescue, they shall have a finished sill height not more than forty-four (44) inches above the floor. Homes built in 1976 or earlier comply if the window sill height does not exceed forty-eight (48) inches, the openable area is at least five (5) square feet and no openable dimension is less than twenty-two (22) inches.

(b) Bedrooms shall have a ceiling height of not less than seven (7) feet six (6) inches, except as provided in this section. When exposed beam ceiling members are spaced at forty-eight (48) inches or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the members is not less than seven (7) feet above the floor. If any room has a sloping ceiling, the prescribed ceiling height for the room is required in only one half (1/2) of the area thereof. No portion of the room measuring less than five (5) feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof. If any room has a furred ceiling, the prescribed ceiling height is required in two thirds (2/3) area thereof, but in no case shall the height of the furred ceiling be less than seven (7) feet;

2. The owner shall by written agreement, limit the number of vehicles of overnight occupants to the number designated in the permit; with the number of vehicles of overnight occupants not to exceed the number of designated on-site parking spaces or spaces on the street immediately in front of the vacation home rental property;
  3. The owner shall use best efforts to assure that the occupants and/or guests of the vacation home rental do not create loud or raucous noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any State law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding vacation home rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner, local agent or contact person act as a peace officer or place him or herself in harm's way;
  4. The owner shall, upon notification that occupants and/or guests of his or her vacation home rental have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this code or State law pertaining to noise, or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests;
  5. The owner of the vacation home rental shall comply with and use his or her best efforts to achieve compliance by the occupants with all the provisions of Chapter 8.42 of this code (Solid Waste Management Ordinance);
  6. The owner of the vacation home rental which is above 3000 feet shall use best efforts to achieve compliance by the occupants with all the provisions of Sections 10.12.170 (Snow Removal Parking Restricted) and 10.12.180 (Snow Removal Interference Prohibited) of this code;
  7. The owner of the vacation home rental shall post a copy of the permit and a copy of the conditions set forth in this section in a conspicuous place within the vacation home rental.
- 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.
- C. The chief administrative officer or designee shall have the authority to impose additional conditions on any permit in the event of any violation of the conditions to the permit or the provisions of this chapter subject to compliance with the procedures set forth in 5.57.150 of this chapter code.

### **5.57.100 Sign and Notification Requirements.**

Each vacation home rental shall 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 twenty-four (24) hour basis;
- B. The maximum number of occupants permitted to stay in the unit;
- C. The maximum number of vehicles allowed to be parked on the property;
- D. The number and location of on-site parking spaces;
- E. The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property except from six o'clock (6:00) p.m. of the day prior to trash pick-up to six o'clock (6:00) p.m. on the day designated for trash pick-up;
- F. Notification that an occupant as a person responsible for an event, may be cited and fined for creating a disturbance or for violating other provisions of this ordinance;
- G. Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this ordinance;
- H. Notification if the source of drinking water at the vacation home rental is not a public water system.

### **5.57.110 Parking.**

All permissible uses shall comply with the county parking, driveway and loading standards including snow removal interference prohibitions in Code 10.12.180. Owner shall provide sufficient parking to meet county on-site parking requirements, including the garage when necessary. All overnight occupant-parking shall be on site or on the street immediately in front of the vacation home rental property.

### **5.57.120 Noise.**

All residential vacation home rentals shall comply with the following standard:

- 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, gathering or assembly of persons where there will be presented outdoor live or recorded musical entertainment without first obtaining a Special Use Permit. Private events are allowed under the following provisions: (1) the occupants and/or guests of the vacation home rental do 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; and (2) parking resulting from the activity shall comply with the county parking, driveway and loading standards.

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

### **5.57.130 Local Contact Person.**

Each owner of a vacation home rental shall designate a local person or property manager/agent as a local contact person who has access and authority to assume management of the unit and take remedial measures. An owner of a vacation home rental who resides within one (1) hour travel distance from the vacation home rental may designate himself/herself as the local contact person. The local contact person shall be required to respond to the location of the vacation rental home within one (1) hour after being notified by the sheriff of the existence of a violation of this chapter or any other provision of this code, or any disturbance requiring immediate remedy or abatement.

The owner or owner's agent must immediately notify the tax collector in writing upon a change of local contact person or the local contact person's telephone number. This notification will be on forms prescribed by the tax collector. The new revised permit will not extend the renewal date of the business license, and will be issued for a fee not to exceed the cost of issuance, and must be posted within ten (10) days of any change of contact person information.

### **5.57.140 Violation and Penalties.**

A. The following conduct shall constitute a violation for which the penalties specified in Subsection B may be imposed, or the permit suspended or revoked:

1. The owner has failed to comply with the standard conditions specified in 5.57.090.A of this chapter; or



2. The owner has failed to comply with additional conditions imposed by the chief administrative officer pursuant to the provisions of 5.57.090.C of this chapter; or
3. The owner has violated the provisions of this chapter; or
4. The owner has failed to collect and/or remit to the county the transient occupancy tax as required by Chapter 3.28 of this code.

B. The penalties for violations specified in subsection A shall be as follows:

1. For the first (1<sup>st</sup>) violation within any twelve (12) month period, the penalty shall be a warning notice of violation; and
2. For a second (2<sup>nd</sup>) violation within any twelve (12) month period, the penalty shall be a fine not to exceed two hundred fifty dollars (\$250-00); and
3. For a third (3<sup>rd</sup>) violation within any twelve (12) month period, the penalty shall be a fine not to exceed one thousand dollars (\$1,000-00) and/or suspension of the permit for a period not to exceed six months; and
4. For a fourth (4<sup>th</sup>) violation within any twelve (12) month period, the permit may be revoked in accordance with the provisions of 5.57.150 of this chapter. An owner may petition the hearing officer for reinstatement no sooner than twelve (12) months after revocation.

**5.57.150 Procedure for Imposition of Penalties/Suspension/Revocation.**

Penalties, including a notice of violation, shall be imposed, and permits shall be revoked, only in the manner provided in this section.

- A. The tax collector or designee shall conduct an investigation whenever there is reason to believe that an owner has failed to comply with the provisions of this chapter. The investigation may include an inspection of the premises. Should the investigation reveal substantial evidence to support a finding that a violation occurred, the tax collector or designee shall issue written notice of the violation and intention to impose a penalty and/or revoke the permit. The written notice shall be served on the owner and operator or agent and shall specify the facts which in the opinion of the tax collector, constitute substantial evidence to establish grounds for imposition of the penalties and/or revocation, and specify that the penalties will be imposed and/or that the permit will be revoked within fifteen (15) days-fifteen (15) calendar days from the date the notice is given unless the owner and/or operator files with

the tax collector the fine amount and a request for a hearing before the tax collector.

B. If the owner requests a hearing within the time specified in subsection A, the tax collector shall serve written notice on the owner and operator, by mail, of the date, time and place for the hearing which shall be scheduled not less than fifteen (15) calendar days, nor more than forty-five (45) calendar days of receipt of request for a hearing. The tax collector may preside over the hearing or may designate a hearing officer to take evidence and submit proposed findings and recommendations to the tax collector. The tax collector shall impose the penalties or revoke the permit only upon a finding that a violation has been proven by a preponderance of the evidence, and that the penalty or revocation is consistent with the provision of Section 5.57.140B of this chapter. The hearing shall be conducted according to the rules normally applicable to administrative hearings. The tax collector shall render a decision within thirty (30) calendar days of the hearing. The decision will be mailed by First Class mail to the owner or owner's designated agent at the last known mailing address provided by the owner or owner's agent. Deposit of the decision in the U.S. Postal Service is presumptive evidence that the owner or owner's agent has received notice of the decision. ~~and~~ The decision may be appealed to the board of supervisors within sixty (60) calendar days. If the owner or operator does not appeal the decision within sixty (60) calendar days, the decision of the tax collector shall be final.

### **5.57.160 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.

### **5.57.170 Penalty.**

Any person violating the provisions of this chapter by operating a vacation home rental without a valid permit shall be guilty of a misdemeanor resulting in imposition of a fine of five hundred dollars (\$500.00) for a first violation and a fine of one thousand (\$1,000.00) for a second violation.

### **5.57.180 Enforcement of Chapter.**

The sheriff or designee 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 ordinance can only be made by the board of supervisors.

### **5.57.190 Private Actions to Enforce.**

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.

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 vacation home rentals within the county.

### **5.57.200 Violations by Occupants of Vacation Rental Homes.**

Any violation of the provisions of this chapter shall be punishable pursuant to Title 1, Chapter 1.24 of this code. Enforcement actions may be brought against occupants of a vacation rental home for violations of this chapter and any other provision of this code notwithstanding that this chapter may also make the owner of the vacation rental home responsible for the conduct constituting the violation.