



ORDINANCE NO. _____

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

THIS ORDINANCE HEREBY AMENDS THE EL DORADO COUNTY
ORDINANCE CODE TITLE 5- BUSINESS TAXES, LICENSES AND REGULATIONS -
CHAPTER 5.56. TO READ AS FOLLOWS:

CHAPTER 5.56.- VACATION HOME RENTALS

- Sec. 5.56.010. - Title.
- Sec. 5.56.020. - Applicability.
- Sec. 5.56.030. - Definitions.
- Sec. 5.56.040. - Purpose of chapter.
- Sec. 5.56.050. - Vacation home rental permit requirements.
- Sec. 5.56.060. - Agency.
- Sec. 5.56.070. - Application for vacation home rental permit.
- Sec. 5.56.080. - Application fee.
- Sec. 5.56.090. - Permit conditions.
- Sec. 5.56.100. - Interior Sign and notification requirements.
- Sec. 5.56.105. - Exterior Sign requirements.
- Sec. 5.56.110. - Parking.
- Sec. 5.56.120. - Noise.
- Sec. 5.56.130. - Local contact person.
- Sec. 5.56.140. - Violation and penalties.
- Sec. 5.56.150. - Procedure for notice of violation and imposition of penalties:
fine/suspension/revocation.
- Sec. 5.56.160. - Permits and fees not exclusive.
- Sec. 5.56.170. - Operation of a vacation rental home without a permit-Penalty.
- Sec. 5.56.180. - Enforcement of chapter.
- Sec. 5.56.190. - Private actions to enforce.
- Sec. 5.56.200. - Violations by occupants of vacation rental homes

Sec. 5.56.010. - Title.

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

Sec. 5.56.020. - 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. Vacation Home Rentals in operation outside of the jurisdictional boundaries of the Lake Tahoe Basin shall be required to obtain a vacation home rental permit at the time of application for or renewal of a business license to operate a vacation home rental.

Sec. 5.56.030. - 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:

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 chapter.

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.

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.

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

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 vacation home rental; not for public use.

Vacation home rental means one 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 night and not more than 30 days other than ongoing month-to-month tenancy granted to the same renter for the same unit.

Sec. 5.56.040. - 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. 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.

Sec. 5.56.050. - Vacation home rental permit requirements.

No owner of a vacation home rental shall rent that unit for 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, 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.

Sec. 5.56.060. - 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 noncompliance by the owner.

Sec. 5.56.070. - Application for vacation home rental permit.

An application for a permit shall be filed with the County prior to use of the property as a vacation home rental. Permit applications shall be on the 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 being 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 5.56.100;
- 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. Certification by the property owner and/or property owner's agent that independent garbage collection and disposal for the vacation home rental site is provided. The certification of garbage collection should include acknowledgement that the activity is subject to the solid waste management provisions of Chapter 8.42 and Chapter 8.76
- N. An acknowledgement that the property will be inspected for compliance with this chapter prior to issuance or renewal of a permit and that the owner will grant access to the property for such inspection;
- O. Such other information as the County deems reasonably necessary to administer this chapter;

Sec. 5.56.080. - 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.

Sec. 5.56.090. - 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 persons per bedroom meeting building code requirements, plus four 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 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 and seven-tenths square feet. The minimum net clear openable height dimension shall be 24 inches. The minimum net clear openable width dimension shall be 20 inches. When windows are provided as a means of escape or rescue, they shall have a finished sill height not more than 44 inches above the floor. Homes built in 1976 or earlier comply if the window sill height does not exceed 48 inches, the openable area is at least five square feet and no openable dimension is less than 22 inches;
 - b. Bedrooms shall have a ceiling height of not less than seven feet six inches, except as provided in this section. When exposed beam ceiling members are spaced at 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 feet above the floor. If any room has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half of the area thereof. No portion of the room measuring less than five 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 area thereof, but in no case shall the height of the furred ceiling be less than seven 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 and/or spaces on the street immediately in front of the vacation home rental property;
 3. Occupants and/or guests of the 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 at any time between the hours of 10:00 pm and 8:00 am.;
 4. The number of people present in any 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.
 5. Trash and refuse.

The owner of the vacation home rental shall comply with all the solid waste management provisions of Chapter 8.42. In the Lake Tahoe Basin, the owner of the vacation home rental shall comply with the Bear-Proof Garbage Can Requirements of Chapter 8.76.

6. The owner of the vacation home rental shall notify the occupants of their obligations to comply with all snow removal provisions of Sections 10.12.170, 10.12.180, and 10.12.184;
 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.
 8. The owner and/or operator shall include in all advertisements soliciting for guests the unique Transient Occupancy Registration Certificate number, (Permit #) for each location solicited. When in writing whether in print or via internet, this "Permit number" shall be displayed prominently and shall be included in all detail pages of the advertisement that indicate the property's amenities, price and photo(s).
- 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. 5.56.100. – Interior 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 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 and the parking rules for seasonal snow removal;
- 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 p.m. of the day prior to trash pickup to 6:00 p.m. on the day designated for trash pickup and that failure to utilize the provided bear-resistant garbage can enclosure, unless otherwise exempted, is a violation of this chapter;
- 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 chapter;
- G. Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this chapter; and
- H. Notification if the source of drinking water at the vacation home rental is not a public water system.
- I. Notification that occupants and/or guests of the 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 pm and 8:00 am.

Sec. 5.56.105. – Exterior sign requirements.

Each vacation home rental shall have clearly visible and legible signage posted on the exterior of the unit, containing the following information:

- A. The Vacation Home Rental permit number;
- B. The name of the Local Contact Person and a telephone number at which that party may be reached on a 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;

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. 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.

Sec. 5.56.120. - Noise.

All residential 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, 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 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;
 - 2. Parking resulting from the activity shall comply with the County parking, driveway, loading standards, and seasonal snow removal regulations.

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. - Local contact person.

- A. 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 in the Lake Tahoe Basin or within thirty minutes travel distance from

the vacation home rental may designate himself or herself as the local contact person. The local contact person shall be required to respond to the location of the vacation rental home within thirty minutes after being notified of the existence of a violation of this chapter, or any other provision of this Code, or any disturbance requiring immediate remedy or abatement.

- B. The owner or owner's agent must immediately notify the County 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 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 changes must be posted on both the interior and exterior signage of the vacation home rental within ten days of any change of contact person information.

Sec. 5.56.140. - Violation and penalties.

- A. The following conduct shall constitute a violation for which the penalties specified in Subsections B, C, and D of this section may be imposed. Penalties include fine, or fine and suspension of the permit, or fine and revocation of the permit
 - 1. The owner has violated any of the provisions of this chapter; or
 - 2. The owner has failed to collect and/or remit to the County the transient occupancy tax as required by Chapter 3.28.
- B. The fine for violations specified in Subsection A of this section shall be as follows:
 - 1. For the first violation within any 18-month period, the fine shall be \$500.00;
 - 2. For a second violation within any 18-month period, the fine shall not to exceed \$750.00;
 - 3. For a third violation within any 18-month period, the fine shall not to exceed \$1,000.00.
- C. A permit may be suspended after enforcement staff has responded to the property, and such response has resulted in at least one violation on each visit, three times within any 18-month period. The suspension shall not exceed six months.
- D. A permit may be revoked in accordance with the provisions of Section 5.56.150 after enforcement staff has responded to the property, and such response has resulted in at least one violation on each visit, four times within any 18-month period. An owner may petition the Hearing Officer 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. The County 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 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 Section 5.54.140. The written notice shall be served either by first class mail or by personal service on the owner. 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 files with the County the fine amount and a request for a hearing before the Code Enforcement Hearing Officer.

- B. If the owner requests a hearing within the time specified in Subsection A of this section, the County shall serve written notice of the date, time, and place for the hearing on the owner. The written notice shall be served either by first class mail or by personal service on the owner. 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 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 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 provision of Sections 5.56.140.B, C and D. The decision will be mailed by first class mail to the owner at the last known mailing address provided by the owner. 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. The decision may be appealed to the Superior Court within 30 calendar days of the mailing of the notice. If the owner or operator does not appeal the decision within 30 calendar days of the mailing of the notice, the decision of the Code Enforcement Hearing Officer shall be final.

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 rental home without a permit-Penalty.

Any person violating the provisions of this chapter by operating a vacation home rental without a valid permit shall be punished according to the general penalties described in Chapter 1.24.

Sec. 5.56.180. - Enforcement of chapter.

The Sheriff or his or her 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 chapter can only be made by the Board of Supervisors.

Sec. 5.56.190. - 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 vacation home rentals within the County.

Sec. 5.56.200. - Violations by occupants of vacation rental homes.

Any violation of the provisions of this chapter shall be punishable pursuant to Chapter 1.24. 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.

This ordinance shall take effect and shall become effective thirty (30) days following the adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2018 by the following vote of said Board:

ATTEST
JAMES S. MITRISIN
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By _____

Deputy Clerk
Chair, Board of Supervisors

I CERTIFY THAT:
The foregoing instrument is a correct copy
of the original on file in this office

Date _____
ATTEST: JAMES S. MITRISIN,
Clerk of the Board of Supervisors of the
County of El Dorado, State of California.

APPROVED AS TO FORM
MICHAEL J. CICCOZZI, County Counsel

By _____
Deputy Clerk

By _____
Lauren C. Bowers,
Deputy County Counsel