



ORDINANCE NO. _____

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

Section 1. Article 56 of Title 5 of the El Dorado County Ordinance Code entitled “Vacation Home Rentals” is hereby enacted to read as follows:

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.~~ The provisions of the section shall apply to all short term vacation rentals except hosted rentals where there is a primary owner in residence during the rental period. This section does not apply to ~~hosted rentals~~ or bed and breakfast inns, which are regulated by Section 130.40. Vacation home rentals shall not be permitted in non-habitable structures, accessory structures, guest houses, within accessory or second dwelling units, 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, and other provisions intended for temporary occupancy are not allowed as a part of 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:

Hosted Rental means a rental property at which at least one of the primary owners resides and sleeps during the period of the rental. This may be either the rental of a bedroom, or bedrooms, within a house or the rental of a guest house. The use of a guest

house as a hosted vacation rental shall not be deemed a commercial use prohibited under section 130.40.150.

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

Loud and raucous noise means:

1. The human voice, any record, or recording thereof when amplified by any device whether electrical, mechanical, or otherwise to such an extent as to cause it to unreasonably carry on to public or private property or to be heard by others on residential property or public ways within the County.
2. Any sound not included in the foregoing which is of such volume, intensity, or carrying power as to interfere with the peace and quiet of persons upon residential property or public ways within the County in accordance with Chapter 9.16—Noise.

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

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

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 the primary single-family home, one unit of a duplex, or a single condominium unit, ~~or guest house~~ 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. ~~The use of a guest house as a permitted vacation home rental shall not be deemed a commercial use prohibited under section 130.40.150.~~

Sec. 5.56.040. - Purpose of chapter.

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

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

Sec. 5.56.050. - 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 but there may not be more than one vacation home rental per parcel. The permit requirements of this chapter are in addition to any business license, hotel/motel tax registration, any other permit, or licensing requirements. However, at the discretion of the County, the processing of permits required under this chapter may be combined with the processing of business licenses, transient occupancy tax registration, any other permit, or license process administered by the County. The County shall prescribe forms and procedures for the processing of permits under this chapter. A vacation home rental permit is not transferable with the property and becomes void upon sale or transfer of the property interest to another owner.

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 1,050 vacation home rental permits shall be issued.

- A. The Planning and Building Department shall maintain a waiting list in the event that the Tahoe Basin is at or exceeds the established area maximum. 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, the applicant shall have no more than 90 days to complete an application, after which the position on the waiting list shall no longer be held. The waiting list request shall become void upon change in ownership. Property owners found to be operating without a vacation home rental permit are precluded from applying for a vacation home rental permit for a one (1) year period and are not allowed to be on the waiting list during that time period.

- B. Property owners that have a valid vacation home rental permit from the County must demonstrate at the time of renewal that the property was rented in the prior year if it's not obvious in the associated Transient Occupancy Tax (TOT) returns. Failure to demonstrate this may 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 vacation rental shall be submitted no sooner than 180 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. 5.56.060. - 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 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. 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 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 for the owner of the vacation home rental;.
- C. The number of permitted bedrooms, as determined by Building Division records or Assessor's records, ~~and~~ approximate habitable square footage in the vacation home rental, and the maximum allowable number of overnight occupants;.
- D. Acknowledgment that all designated bedrooms meet all local building and safety code requirements;.
- E. A diagram and/or photograph of the premises showing ~~and indicating~~ the number and location of designated on-site parking spaces;.
- 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. Such license may be filed concurrently with the application for a permit under this chapter, however the vacation home rental permit must be issued before the business license is issued.~~ 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, however the vacation home rental permit must be issued before the transient occupancy tax registration certificate is issued.
- 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 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—Solid Waste Management and Chapter 8.76—Bear-Proof Garbage Can Requirements.

- N. An acknowledgement that the property may 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, 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. 5.56.090. - Permit conditions.

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

- 1. Maximum Occupancy. The owner shall, by written agreement with any renter, limit overnight occupancy of the vacation home rental to the specific number of occupants designated in the permit. The number of overnight occupants shall not exceed two persons per permitted bedroom ~~meeting building code requirements~~, plus two additional persons per residence. Children five years of age or younger are not counted towards the occupancy limits. ~~excluding children five years of age or younger.~~ Occupancy may be lowered pursuant to the outcome of the fire and life safety inspection. 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.

A bedroom shall only be recognized as such for purposes of this ordinance if it has been approved and inspected by the Building Official, and can be verified by reference to the Assessor's office.~~is a room that is designed to be used as a sleeping room and for no other primary purpose and shall comply with the following:~~

- 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. Noise. Occupants and/or guests of the 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.
3. Visitors. 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.
4. Trash and Refuse. The owner of the vacation home rental shall comply with all the solid waste management provisions of Chapter 8.42—Solid Waste Management. 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—Bear-Proof Garbage Can Requirements.
5. Tahoe Basin Snow Removal. The owner of the vacation home rental shall notify the occupants of their obligations to comply with all snow removal provisions of Chapter 10.12—Parking;
6. Limit on Number of Residences or Structures Vacation Home Rentals per Parcel. One Vacation Home Rental shall be permitted per parcel. Only a the primary single family residence, one unit of a duplex, or a single unit condominium or a legally established guest house meeting current standards shall be used as a vacation home rental. ~~Parcels containing multiple residences, units, or habitable structures may only be used as vacation home rentals subject to the granting of a conditional use permit.~~
7. Fire and Life Safety Requirements. The following conditions shall be ~~posted~~ met within the VHR and shall be in place prior to issuance of a VHR permit, subject to inspection:

- a. Residential street address clearly visible.
- b. Functional smoke alarms.
- c. Functional carbon monoxide alarms.
- d. Landline phone service installed if cell phone service is inadequate.
- e. NFPA 13D Residential sprinkler system functional, if installed.
- f. Portable fire extinguisher.
- g. Windows in bedrooms are operable and do not have bars or other obstructions that prevent egress.
- h. Extension cords are not used as permanent wiring for lights or appliances.
- i. Outdoor fire areas and fire pits when not prohibited by State or local fire regulations, shall be limited to three feet in diameter, located on a non-combustible surface, covered with fire screens, and located no closer than within 25 feet of a structure or combustible material. Use of fire areas shall require a campfire permit issued by CALFIRE.
- j. All required signage, both exterior and interior

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

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

Sec. 5.56.095. - Advertisement requirements.

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

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

Sec. 5.56.100. - Interior sign and notification requirements.

A copy of the permit and a copy of the conditions shall be posted in a conspicuous place within the vacation home rental. Additionally, 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 number and location of on site parking spaces and the~~ parking rules for seasonal snow removal;
- D. 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;
- E. Notification that occupants, may be cited and fined for creating a disturbance or for violating other provisions of this chapter;
- F. Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this chapter;
- G. Notification if the source of drinking water at the vacation home rental is not a public water system; and
- H. 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 p.m. and 8 :00 a.m.

Sec. 5.56.105. - Exterior sign requirements.

Each vacation home rental shall have signage posted on the property that is clearly visible and legible from the property line, containing the following information:

- A. The vacation home rental permit number;
- B. The name of the local contact and a telephone number at which that party may be reached on a 24-hour basis;
- C. The maximum number of occupants permitted to stay in the unit;
- D. All signage shall comply with font and size requirements established by County.

Sec. 5.56.110. - Parking.

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

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, wedding or assembly of persons where there will be presented outdoor live or recorded musical entertainment without first obtaining a Conditional Use Permit. Private events are allowed under the following provisions:
 1. The occupants and/or guests of the vacation home rental shall not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any State law pertaining to noise or disorderly conduct;
 - ~~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. - Certified local contact/owner responsibilities.

- A. Each owner of a vacation home rental shall designate a local contact. The local contact may be a professional property manager, realtor, property owner, or other designated person who is available 24 hours per day, seven days per week during all times that the property is rented, and has access and authority to assume management of the unit and take remedial measures. An owner of a vacation home rental who resides within 30 minutes travel distance from the vacation home rental may designate himself or herself as the local contact. The local contact shall be required to abate a nuisance relating to noise, trash, parking, or any other guest violation within 30 minutes after being notified of the existence of a potential violation of this chapter including visiting the site if necessary. All abated nuisances shall be reported to the County in compliance with 5.56.150.
- 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. The changes must be posted on both the interior and exterior signage of the vacation home rental within ten days of any change of contact

information. Failure to comply with this section may be deemed a violation by the owner.

- C. For all permits ~~issued or renewed after January 1, 2019~~, the local contact shall have successfully completed a training course and achieved a qualifying score on a county-administered certification test. Once certified, the local contact will not be required to become re-certified, but must continue to comply with all provisions set forth in this section, including timely reporting of all complaints and their resolutions, in order to remain certified. There may be one or more local contacts for a given VHR, however, the phone number on record to be used to report initial complaints shall be valid to reach an available certified local contact. Operation of a vacation home rental without a valid certified local contact, ~~or~~ without a valid contact phone number, or the failure to report a complaint and resolution shall be considered a violation of this section.
- D. The owner or the owner's agent, representative, or local contact for the VHR is responsible for the following:
1. Ensuring that the VHR complies with all posting requirements, fire and life safety requirements, and other provisions of this chapter at all times when the home is used as a VHR.
 2. Obtaining the name, address, and contact information for each renter age 18 or over.
 3. Providing the renters a written copy of occupancy limits for overnight and daytime hours, quiet hours, any parking restrictions including for snow removal, trash pick-up day and bear box instructions, requirements for campfire permits, and all other rules and regulations, and that should any violation of this chapter occur, that fines may be imposed in accordance with Sections 5.56.150 and 5.56.200.
 4. Obtaining formal, written acknowledgement from all renters over the age of 18 that he or she is legally responsible for compliance of all occupants of the VHR with all applicable laws, rules, and regulations pertaining to the use and occupancy of the VHR, and that should any violation of this chapter occur, that fines may be imposed in accordance with Sections 5.56.150 and 5.56.200. This information shall be maintained by the local contact for a period of one year from date of occupancy and be made available upon request of any officer of the County responsible for the enforcement of any provision of this chapter or any other applicable law, rule, or regulation pertaining to the use and occupancy of the VHR.
 5. Being available by phone in case of complaints and being available to respond on-site if necessary to resolve complaints that are in violation of this chapter in accordance with Section 5.56.150(A).

Sec. 5.56.140. - Enforcement, violation and penalties.

- A. Failure of an owner or renter to abide by any of the provisions of this chapter shall constitute a violation subject to imposition of the penalties specified in Subsections B, C and D of this section. Fines will be imposed on the party deemed responsible for the

violation. Violations such as failure to obtain proper permits, provide local contact response, comply with advertisement or signage requirements, or provide required trash, fire, or life safety equipment shall result in fines and penalties being imposed on the owner. Violations such as exceeding of occupancy limits, quiet hours violations, hot tub use, or other nuisance requirements shall result in fines being imposed on renters. However, violations by either an owner or renter at a given property may be counted towards the number of violations in sections C and D below related to suspension or revocation of a permit.

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 not exceed \$500.00;
2. For a second violation within any 18-month period, the fine shall not exceed \$750.00;
3. For a third violation within any 18-month period, the fine shall not exceed \$1,000.00.
4. For any additional violation within any 18-month period, the fine shall not exceed \$1,000.00.

C. A permit may be suspended after a property has at least 3 violations occurring on separate dates within 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 a property has at least 4 violations occurring on separate dates 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~~ County for reinstatement no sooner than 12 months after revocation.

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

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

- A. Initial complaints shall be directed to the certified local contact. The certified local contact shall be available 24 hours 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 certified local contact, the certified local contact shall be responsible for contacting the renter and correcting the problem within 30 minutes, including visiting the site if necessary to ensure that the issue has been corrected. The certified local contact shall report any such complaints, and their resolution or attempted resolution(s), to the County within 24 hours of the occurrence. Failure to respond to complaints or report them shall be considered a violation of this section.

- B. If the issue continues or reoccurs following initial complaint to the certified local contact and code or law enforcement is contacted, enforcement staff shall investigate whether a violation has occurred. The investigation may include an inspection of the premises and may result in the issuance of an on-site citation by code enforcement if they deem such warranted. 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, the renter(s). The written notice shall specify the facts which, in the opinion of the County, constitute sufficient evidence to establish grounds for imposition of the penalty and specify that the fine, or fine and suspension, or fine and revocation will be imposed 15 calendar days from the date of the notice unless the owner or renter(s) files with the County ~~the fine amount~~ and 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 renter(s) requests a hearing within the time specified in Subsection ~~A~~ B of this section, the County shall serve written notice of the date, time, and place for the hearing on the requesting party ~~owner~~. The written notice shall be served either by first class mail or by personal service on the requesting party ~~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 Section 5.56.140 upon the finding that a violation has been proven by a preponderance of the evidence, and that the fine, or fine and suspension, or fine and revocation is consistent with the provisions of Sections 5.56.140.B, C and D. The decision will be mailed by first class mail to the owner, and if applicable to the renter, at the last known mailing address provided by that party ~~the owner~~. Deposit of the decision in the U.S. Postal Service is presumptive evidence that the party ~~owner or owner's~~ or party's agent has received notice of the decision.

Sec. 5.56.160. - Permits and fees not exclusive.

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

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

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

Sec. 5.56.180. - 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.

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:

ATTEST

KIM DAWSON

Clerk of the Board of Supervisors

Ayes:

Noes:

Absent:

Deputy Clerk

Brian Veerkamp, Chair, Board of Supervisors

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

By:_____

Roger Runkle
Deputy County Counsel