

## **El Dorado County Code**

### **Chapter 5.56 VACATION HOME RENTALS IN THE LAKE TAHOE BASIN**

#### **5.56.010 Title .**

This chapter shall be referred to as the Lake Tahoe vacation home rental ordinance. (Ord. 4653)

#### **5.56.020 Applicability .**

The provisions of this chapter apply only within the unincorporated portions of the county 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. (Ord. 4653)

#### **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:

- 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. "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.
- C. "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 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.
- D. "Owner" means the person or entity that holds legal and/or equitable title to the private property.
- E. "Person" means an individual, a group of individuals, or an association, firm, partnership, corporation or other entity, public or private.
- F. "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.

G. "Vacation home rental" means one or more dwelling units, including either a single-family, detached or multiple-family attached unit, rented for the purpose of overnight lodging for a period of not less than 1 night and not more than 30 days other than ongoing month-to-month tenancy granted to the same renter for the same unit. (Ord. 4653)

#### **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 other public personnel.
- C. The transitory nature of occupants of vacation homes makes continued enforcement against the occupants difficult.
- D. The provisions of this chapter are necessary to prevent the continued burden on county services and impacts on residential neighborhoods posed by vacation home rentals. (Ord. 4653)

#### **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 or any other permit or licensing requirements. However, at the discretion of the county treasurer/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 treasurer/tax collector. The county treasurer/tax collector is authorized to prescribe forms and procedures for the processing of permits under this chapter. (Ord. 4653)

#### **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 non-compliance by the owner. (Ord. 4653)

**5.56.070 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 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 5.56.100.
- K. 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. (Ord. 4653)

#### **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. (Ord. 4653)

#### **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 2 persons per bedroom meeting building code requirements, plus 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 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 5.7 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.

(b) Bedrooms shall have a ceiling height of not less than 7 feet 6 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 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 of the area thereof. No portion of the room measuring less than 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 area thereof, but in no case shall the height of the furred ceiling be less than 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.

3. The owner shall use best efforts to assure that 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 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 himself 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 shall use best efforts to achieve compliance by the occupants with all the provisions of Sections 10.12.170 (Snow RemovalBParking Restricted) and 10.12.184 (Snow Removal, Lake Tahoe Basin Watershed AreaBInterference 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 Section 5.56.150 of this code. (Ord. 4653)

#### **5.56.100 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 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 pick-up 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 pick-up to 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; and

G.Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this ordinance. (Ord. 4653)

#### **5.56.110 Parking .**

All permissible uses shall comply with the county parking, driveway and 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 immediately in front of the vacation home rental. (Ord. 4653)

#### **5.56.120 Noise .**

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

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 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.

Compliance with this standard shall be in addition to compliance with all other provisions of this code relating to nuisance, peace and safety. (Ord. 4653)

#### **5.56.130 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 at the South Shore of Lake Tahoe 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. (Ord. 4653)

#### **5.56.140 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 Section 5.56.090.A of this code; or
2. The owner has failed to comply with additional conditions imposed by the chief administrative officer pursuant to the provisions of Section 5.56.090.C of this code; 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 violation within any 12 month period, the penalty shall be a warning notice of violation;
2. For a second violation within any 12 month period, the penalty shall be a fine not to exceed \$250.00.
3. For a third violation within any 12 month period, the penalty shall be a fine not exceed \$500.00;
4. For a fourth violation within any 12 month period, the penalty shall be a fine not to exceed \$1,000.00 and/or suspension of the permit; and
5. For a fifth violation within any 12 month period, the permit may be revoked in accordance with the provisions of Section 5.56.150 of this code. An owner may petition the hearing officer for reinstatement no sooner than 12 months after revocation. (Ord. 4653)

**5.56.150 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 15 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 15 days, nor more than 45 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 5.56.140.B of this code. The hearing shall be conducted according to the rules normally applicable to administrative

hearings. The tax collector shall render a decision within 30 days of the hearing and the decision shall be appealable to the board of supervisors. (Ord. 4653)

**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. (Ord. 4653)

**5.56.170 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 \$500.00 for a first violation and a fine of \$1,000.00 for a second violation. (Ord. 4653)

**5.56.180 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. (Ord. 4653)

**5.56.190 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. (Ord. 4653)

**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 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. (Ord. 4653)