

## Chapter 20.20 SHORT-TERM VACATION RENTALS

SECTION 1: Calaveras County Code Chapter 20.20, Lake Tulloch Short Term Vacation Rentals, is repealed in its entirety and the following new Section 17.25.240 is adopted to apply countywide and to read as follows:

### 17.25.240 Short Term Vacation Rentals

- A. Purpose and applicability.** The purpose of this chapter is to establish standards and permit procedures for the establishment and maintenance of short-term vacation rentals (STVRs) in unincorporated Calaveras County.
- B. Short Term Vacation Rental Permit.**
1. Permit Required. It is unlawful for any person to use or allow the use of a property located in unincorporated Calaveras County as a STVR in violation of the provisions of this Chapter or to advertise a STVR use on a property located in unincorporated Calaveras County without first obtaining a ministerial permit pursuant to this Chapter.
  2. When Required. A lawfully existing or newly constructed residential unit may be used as a short-term vacation rental provided that a STVR permit is first obtained and all the standards and conditions contained in this section are complied with. The permit requirement applies to both existing and future STVRs. No STVR shall be permitted for a residential unit permitted as an accessory dwelling unit pursuant to Section 17.25.040.
  3. Term. A STVR permit issued under this Chapter shall run with the land but may be revoked for violation of the terms of this chapter, pursuant to Sec. 17.27.130. The permit authorizes the operation of the STVR only in accordance with the terms and conditions of this Chapter.
  4. Transient Occupancy Tax. No STVR permit will be issued without the STVR first being registered with the Treasurer/Tax Collector for purposes of ensuring collection of the County's transit occupancy tax.
  5. County Business License. All owners and/or operators of a STVR shall have a business license issued by the County.
- C. Operational Standards.** The following operational standards apply to all STVRs except homeshares:
1. Fire and Life Safety. The STVR shall be in compliance with relevant portions of the California Fire Code, California Building Code, California Health and Safety Code, the National Fire Protection Association standards and/or regulations, and all other relevant laws, codes, and requirements. The local fire district or its designee may inspect the STVR to the extent permitted by law to ensure compliance with these standards.

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2. Maximum Rental Occupancy. The maximum rental occupancy of a short-term vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement set forth in paragraph 4 and shall in no case exceed two persons per bedroom, plus two additional persons up to a maximum of 12 persons, excluding children under three years of age. STVRs proposed to exceed the maximum rental occupancy set forth in paragraph C.2 may be considered by Conditional Use Permit, pursuant to Chapter 17.31, where unique circumstances would allow for a higher occupancy that would not adversely affect a neighborhood.
  3. Additional Daytime Guests. Daytime guests of the STVR renter(s) are permitted provided that all vehicles are parked on-site unless there is sufficient pavement width on the street to maintain a fire lane of twenty feet in width, no parties or special events are held, and all additional guests leave by 10:00 p.m.
  4. Noise. All STVRs shall comply with the noise standards set forth in Chapter 9.02, Noise Control. Live amplified music shall be prohibited.
  5. Off-Street Parking. Parking shall be provided onsite to meet the rental occupancy of each STVR at a ratio of one parking space for each bedroom. Parking spaces may include garage(s), carport(s), and/or driveway spaces. Tandem parking may be provided in accordance with Chapter 17.22 of the County Code. The maximum number of vehicles, including trailers, that may be permitted shall be based on the number of available parking spaces on the site of a STVR.
  6. Private Residential Dock and Watercraft. The docking of personal motorized watercrafts including but not limited to boats, jet skis, etc., will be limited based on the size of the private residential dock where two watercraft shall be permitted for every fifteen feet of dock length.
  7. Signs. All STVRs shall be identified by a non-illuminated sign, no smaller than two square feet and no larger than four square feet identifying the presence of the STVR. The sign shall be installed in a location visible from the street and shall include the STVR permit number and the telephone number of the local contact person.
  8. Snow removal. STVRs located above 4000 feet in elevation shall contract with a snow removal service for driveways and parking areas to ensure that parking does not occur off-site.
  9. Transient Occupancy Tax. The STVR owner shall ensure that the transient occupancy tax is paid pursuant to Chapter 3.12 of the County Code.
  10. Contents of Rental Agreement. Information about the maximum rental occupancy and parking capacity for each unit and the County STVR permit number shall be stated in all advertisements for the STVR, shall be included in

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the STVR's rental agreement, and shall be provided to the short-term occupant before their occupancy of the unit.

11. Posted Notice Within Unit. Each STVR 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 Local Contact Person, and a telephone number at which that person may be reached on a twenty-four-hour basis.
  - b. The maximum number of occupants allowed to stay overnight in the unit.
  - c. The maximum number of vehicles allowed to be parked on the property and where and how to park such vehicles, including any limitations as to blocking emergency access, and prohibitions against parking in the County right-of-way.
  - d. The maximum number of motorized watercraft allowed to be docked on a private residential dock.
  - e. Stated quiet hours.
  - f. Instructions for proper trash and refuse disposal.
  - g. Emergency evacuation routes.
  - h. Notification that failure to conform to the parking and rental occupancy requirements of the STVR is a violation of the County Code.
  - i. Notification that failure to comply with the noise ordinance is a violation of the County Code.
  - j. Information regarding snow removal, where applicable.
  - k. A statement provided by the County that the STVR is located in a residential neighborhood and to respect the peace and quiet expected in a residential neighborhood.
12. Property Maintenance. STVRs shall be maintained in a clean and sanitary condition and free from hazards, which shall include meeting the following requirements:
  - a. Permanent use of extension cords for appliances, heaters, lamps or other equipment shall be prohibited.
  - b. Bedroom windows shall be operable to allow for emergency access.
  - c. Accumulation of trash and debris on the site or within the unit shall be prohibited.
  - d. Trash collection receptacles shall be animal-proofed and shall be secured in an upright position
  - e. Trash shall be removed from the premises between guests, at the conclusion of each occupancy. Trash may not be stored on a parcel

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containing an STVR unless the owner arranges for regular commercial trash collection services.

- f. The main entrance to the unit shall be illuminated when the unit is occupied, provided that the exterior lighting shall be designed and located in compliance with Section 17.16.100. An operational motion-activated light fixture that complies with these standards may be used to satisfy this requirement.
13. Call Response Availability. The Local Contact Person shall be personally available by telephone on a twenty-four-hour basis to respond both by telephone and, as appropriate, in person to calls regarding the condition or operation of the unit. Failure to respond to calls in a timely and appropriate manner may result in revocation of the STVR permit. For purposes of this section, responding in a timely and appropriate manner means that an initial call shall be responded to (or, as appropriate, result in a personal visit being made to the unit) within one hour of the time the initial call was made, and a corrective action plan shall commence within twenty-four hours of the initial call to address any violation of this chapter.
14. County Notification. The property owner and/or managing agency is required to immediately notify the County of any changes to the owner of the STVR or the local contact person.
15. Compliance with other laws. The property owner shall comply with all applicable federal, state, and local laws and regulations with respect to the use of the parcel on which the unit is located.
16. Homeshares. Homeshare STVRs shall be subject to the following operational requirements:
  - a. The maximum rental occupancy shall be two persons plus one child under three years of age.
  - b. One additional off-street parking space must be available.
  - c. The STVR owner shall ensure that the transient occupancy tax is paid pursuant to Chapter 3.12 of the County Code.
  - d. Parties, special events, and outside guests shall be prohibited.
  - e. Guest rooms shall be equipped with fire extinguishers, smoke and carbon monoxide detectors, and operational emergency escape windows.

#### **D. STVR Permit Application**

1. Application. A STVR permit application shall be submitted on a form prepared by the Planning Department and include sufficient information to determine the maximum rental occupancy of the STVR. The application shall include a site plan, floor plan, and a written statement indicating the maximum number of vehicles, motorized watercrafts, and overnight occupants proposed for the short-term vacation rental. The site plan shall include sufficient information to

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clearly demonstrate how the proposed number of vehicles and motorized watercraft shall be accommodated onsite. The floor plan shall clearly include room sizes and dimensions for bedrooms, bathrooms, kitchen and living space to demonstrate how the proposed number of overnight occupants shall be accommodated within the unit.

2. Application fee. A STVR permit application shall be subject to payment of the applicable fee in place at the time of application submittal. Such fees shall be established by resolution.
3. Notification. At the time of issuance of the STVR permit, the County shall notify all property owners within three hundred feet of the property for which the application is sought, that the specific unit is being proposed as a STVR. This notification shall be sent via U.S. Mail to the most current address shown on the County property assessment roll, and shall clearly state the following information:
  - a. The location of the STVR;
  - b. The name of the Local Contact Person, their email and mailing address, and a telephone number at which that party may be reached on a twenty-four-hour basis;
  - b. The maximum number of occupants allowed to stay overnight in the unit;
  - c. The maximum number of vehicles allowed to be parked on the property;
  - d. The maximum number of motorized watercraft allowed to be docked on the private residential dock, if applicable.
4. Swimming pools and spas. If the STVR includes access to a swimming pool or spa, a public swimming pool permit must be secured from the Environmental Health Department prior to issuance of the STVR permit. The pool permit may be subject to annual inspection pursuant to Title 22 of the California Code of Regulations.

**E. Amortization.** For any property on which a pre-existing STVR is located that is rendered nonconforming by the provisions of this Chapter, there is established a phased amortization period following the effective date of the adoption of this chapter to attain full compliance with the provisions of this chapter according to the following schedule:

1. Properties without an existing administrative use permit for an STVR:
  - a. Within three months of the effective date of this ordinance, all property owners of pre-existing nonconforming short term vacation rentals in use prior to the effective date shall submit an application for a STVR permit to the planning department for processing. So long as no nuisance is created on these properties by virtue of their continuing use as STVRs, these properties shall not be subject to Subsection C (Operational Standards), Paragraph 2

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- (maximum rental occupancy) and Paragraph 5 (off-street parking) during the first year of the STVR permitting program created by this section. After this ordinance has been effective for twelve (12) months, Subsection C, Paragraph 2 (maximum rental occupancy) and Paragraph 5 (off-street parking) shall be in place and enforced.
- b. Any STVR application filed after three months of the effective date of this chapter shall require full compliance with all provisions of this chapter.
  - c. A property owner may demonstrate a STVR qualifies for legal nonconforming status by:
    - i. Providing evidence of legal rental contracts executed within twelve months prior to the effective date of the ordinance that provide for short term rental of the property for dates that post-date the effective date of this ordinance by up to twelve (12) months; and
    - ii. Providing evidence that the property owner has paid TOT within one year of the effective date of this ordinance.
2. Properties with an existing administrative use permit for an STVR in the Lake Tulloch Area, as this term was defined in the prior version of Chapter 20.20 of the County Code:
- a. A permit under this Chapter shall be applied for three months prior to the expiration date of the administrative use permit. If less than three months remain on the administrative use permit on the effective date of this chapter, a permit under this Chapter shall be applied for within three months of the effective date of this chapter.
  - b. So long as a permit under this Chapter is timely applied for pursuant to subsection B.1 above, the terms and conditions of the administrative use permit shall remain in full force and effect until a new permit is issued under this chapter—at which point the administrative use permit shall expire.
  - c. If a permit is not timely applied for pursuant to subsection B.1 above, the administrative use permit shall expire, and the use of the property as an STVR shall be prohibited until a permit is applied for and received pursuant to this chapter.

After the close of the amortization period, all STVRs shall comply with this Chapter, and failure to do so shall constitute a violation that may result in permit revocation or an enforcement action.

#### **G. Permit denial, revocation and appeal.**

1. No STVR permit shall be issued without compliance with all of the requirements and standards outlined in this Section.
2. If a STVR permit is denied by the Planning Director, the applicant may appeal the denial to the Planning Commission pursuant to Section 17.27.140.

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3. A STVR permit may be revoked pursuant to Section 17.27.130 and for any of the following reasons:
    - a. The applicant, after receiving a STVR permit, fails or refuses to inform the County of alterations to the property that would compromise the original permit approval (i.e. removal of required parking, conversion of space, etc.).
    - b. The applicant fails to notify County staff when the Local Contact Person, or their contact information, changes.
    - c. County staff are unable to reach the Local Contact Person on more than one occasion, and/or the Local Contact Person or property owner fails to respond to complaints.

**H. Violation—Enforcement.**

1. It is unlawful for any person to use, allow the use of, or to advertise an STVR use on a property located in unincorporated Calaveras County as an STVR in violation of the provisions of this Section.
2. All violations of this Section constitute a public nuisance, which, in addition to or in lieu of any other remedies in this section, may be abated in any manner authorized by law, including remedies set forth in Chapter 8.06 of this code, including but not limited to, abatement and/or issuance of administrative citations.

**I. Definitions.** For the purposes of this section, the following terms are defined as follows:

*Bedroom.* An area of a STVR normally occupied for human habitation, which is 70 square feet or greater in size, is heated, consists of four walls to the ceiling, is located along an exterior wall with a window, and contains a built-in closet.

*Homeshare.* A STVR where only one bedroom is rented and the owner of the property occupies the remaining portion of the residence and is present during the tenancy of the guest(s). The homeshare may include shared use of other rooms of the residence with the owner or may be completely separate from the remaining portion of the residence.

*Local Contact Person.* The subject property's owner, property manager, or other individual who is personally available by telephone on a twenty-four (24) hour basis, who maintains the ability to be onsite within 60 minutes of being contacted, and who has the physical access and authority to assume management of the STVR in the owner's absence. A professional property management company that meets the availability, access, authority, and timeframe requirements may serve as the Local Contact Person.

*Pre-existing non-conforming short-term vacation rental.* A STVR that was legally existing prior to the effective date of this ordinance where evidence is provided of legal contracts executed prior to the effective date of this ordinance, has paid the transient occupancy tax within one year of the effective date, or an administrative use permit has been issued and has been timely renewed for a Lake Tulloch short-term vacation rental.

*Rental occupancy.* The maximum number of persons permitted to stay overnight in a short-term vacation rental.

*"Short-term vacation rental" or "STVR."* A dwelling unit, including either a single family detached or multi-family attached unit, or one bedroom within such a unit, leased or rented as a single unit to one party or guest for terms of less than thirty consecutive days. A "short-term vacation rental" does not include the single tenancy rental of an entire residence for a period of thirty days or longer.

**SECTION 2:** Section 17.04.020, Table 17.04.020 is amended to read as follows:

<b>TABLE 17.04.020: LAND USE REGULATIONS – RESOURCE ZONES</b>						
<i>"P" = Permitted Use; "A" = Administrative Use Permit required; "C" = Conditional Use Permit required; "T" = Temporary Use Permit required; "-" = use not allowed</i>						
<i>Land Use Classification</i>	<i>GF</i>	<i>TP</i>	<i>A1</i>	<i>AP</i>	<i>RA</i>	<i>Additional Regulations</i>
Lodging	See subclassifications below					
<i>Agricultural Homestays and Dude Ranches</i>	-	-	P(3)	P(3)	A(3)	See Section 17.25.050, Agricultural Homestays and Dude Ranches
<i>Bed and Breakfast Inns</i>	A(6)	-	A(6)	A(6)	A(6)	
<i>Campgrounds and RV Parks</i>	C	-	C	-	-	See Section 17.25.090, Campgrounds and RV Parks
<i>Resort and Retreat Centers</i>	C	-	C	-	C	
<u>Short-Term Vacation Rental</u>	-	-	<u>P</u>	-	<u>P</u>	See Section 17.25.240, <u>Short-Term Vacation Rentals</u>



**SECTION 3:** Section 17.05.020, Table 17.05.020 is amended to read as follows:

<b>TABLE 17.05.020: LAND USE REGULATIONS – RESIDENTIAL ZONES</b>					
<i>“P” = Permitted Use; “A” = Administrative Use Permit required; “C” = Conditional Use Permit required; “T” = Temporary Use Permit required; “-” = use not allowed</i>					
<i>Land Use Classification</i>	<i>RR</i>	<i>R1</i>	<i>R2</i>	<i>R3</i>	<i>Additional Regulations</i>
Lodging	See subclassifications below				
<i>Bed and Breakfast Inns</i>	A(2)	A(2)	A(2)	A(2)	
<u>Short-Term Vacation Rental</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See Section 17.25.240, Short-Term Vacation Rentals</u>

**SECTION 4:** Section 17.24.100 shall be amended to read as follows:

**17.24.100 Allowed Signage**

**A Nonresidential Uses.** In addition to other signs allowed pursuant to this Section, nonresidential uses are allowed the following signs:

- 1. Nonresidential Uses in Residential Zones.** Nonresidential uses in Residential Zones, including home occupations ~~and short term vacation rentals~~, a single-sided sign without illumination is permitted, provided that the sign is mounted on the residence, and is no larger than twelve inches in height and twenty-four inches in length. Short-term vacation rentals signs shall conform to the provisions of Section 17.25.240.C.7.

**SECTION 5:** Section 17.42.030 shall be amended to read as follows:

**Lodging/Bed and Breakfast Inn.** A residential structure or portion of such structure or dwelling unit inhabited by a full time, permanent resident, and ~~a maximum of between~~ two and five bedrooms are rented independently for less than 30 consecutive days, with any meals available but limited exclusively for guests of the inn.

**SECTION 6:** Section 8.06 is amended to read as follows:

**8.06.430 Administrative citation and order—Fines.**

- A violation, except for a violation of Chapter 17.95, is an infraction.
- If an owner or occupant fails to correct the violation(s), subsequent administrative citation and orders shall be deemed to have issued daily for the ongoing violation(s) without further notice until the violation has been fully abated and verified as such by the building official as described in Section 8.06.520.

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C. Except for violations of Chapter 17.95 or for violations otherwise described below, the fines assessed for each citation issued under this Chapter for the same violation shall be as follows:

1. One hundred dollars (\$100) per day for a first violation.
2. Two hundred dollars (\$200) per day for a second violation of the same ordinance within one year.
3. Five hundred dollars (\$500) per day for each additional violation of the same ordinance within one year.

A fine of one thousand dollars per day per violation may be assessed for violations of Chapter 17.95.

D. The fines assessed for each violation of a short-term rental ordinance shall be as follows:

1. One thousand five hundred dollars (\$1,500) for a first violation.
2. Three thousand dollars (\$3,000) for a second violation of the same ordinance within one year of the first violation.
3. Five thousand dollars (\$5,000) for each additional violation of the same ordinance within one year of the first violation.
4. For purposes of this subsection, "short-term rental" means a residential dwelling, or any portion of a residential dwelling, that is rented to a person or persons for thirty (30) consecutive days or less.
5. For purposes of this subsection, "residential dwelling" means a private structure designed and available, pursuant to applicable law, for use and occupancy as a residence by one or more individuals. "Residential dwelling" does not include a commercially operated hotel, motel, bed and breakfast inn, or time-share property as defined by subdivision (aa) of Section 11212 of the Business and Professions Code.

DE. Payment of the fine shall not excuse the failure to correct the violation(s) nor shall it bar further enforcement action by the county.

EF. All fines assessed shall be payable to the County of Calaveras.

## SECTION 7: CONFLICTS WITH OTHER LAWS

The provisions of this chapter shall not be deemed to supersede or repeal other existing laws, regulations, or ordinances which are designed to control public nuisances or disturbances.

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## SECTION 8: EFFECTIVE DATE

This ordinance shall go into effect thirty (30) days after its adoption by the Board of Supervisors or upon the effective date of the first fee adopted by the Board of Supervisors pursuant to Section 17.25.240.D.2, whichever is later.

## SECTION 9: SEVERABILITY

If any clause, provision, sentence or paragraph of this chapter or the application thereof, is deemed to be invalid as to any person, entity, establishment, or circumstance, such invalidity shall not affect the other provisions of this chapter which shall remain in effect, and to this end, it is hereby declared that the provisions of this chapter are severable.

## SECTION 10: FINDINGS

The Board of Supervisors of the County of Calaveras finds and declares the following:

- A. In the adoption of these standards the Board of Supervisors finds that residential vacation rentals have the potential for a deleterious effect on adjacent full-time residents. Special regulation of STVRs is necessary to ensure that they will be compatible with surrounding residential uses, safe for renters and full-time residents, and will not harm or alter the neighborhoods in which they are located.
- B. The adoption of this Chapter is to assist with the implementation of General Plan Housing Element Implementation Measure H-5D, which requires an analysis of the impact of STVRs on the quality of life, neighborhood character and available permanent housing. By requiring STVR permits, the County will learn where this use of residential properties is occurring and will be able to better track their impact on the quality of life in surrounding neighborhoods, analyze the effectiveness of this permit program on reducing conflicts, and the extent to which the use of residential properties as STVRs may be impacting the availability of permanent housing there.

## SECTION 11: PUBLICATION

This ordinance, or a summary thereof including the vote of each Board member, shall be published within fifteen days after the date hereof in a newspaper of general circulation printed and published in the County of Calaveras, State of California, and shall become effective thirty days after the date hereof.