



MEMORANDUM
COUNTY EXECUTIVE OFFICE
County of Placer

TO: Honorable Board of Supervisors **DATE:** February 8, 2022
FROM: Todd Leopold, CEO
BY: Stephanie Holloway – Tahoe Operations Manager, CEO
Nicholas Martin – Senior Management Analyst – CEO Tahoe
Crystal Jacobsen – Deputy Director CDRA – Tahoe
Emily Setzer – Senior Management Analyst – CDRA Tahoe

SUBJECT: Short-Term Rental Ordinance Adoption

ACTION REQUESTED

Adopt an ordinance (introduced on January 25, 2022) to repeal and replace Chapter 9, Article 9.42 of the Placer County Code to regulate short term vacation rentals (Attachment A).

BACKGROUND

On January 25, 2022, your Board introduced and waived oral reading of the attached ordinance (Attachment A) to repeal and replace Chapter 9, Article 9.42 of the Placer County Code to regulate short term vacation rentals with a permit cap established at 3,900. The Board also found the ordinance exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) and 15378. Staff is requesting your Board adopt the ordinance as set forth in Attachment A. If adopted, the ordinance will take effect thirty (30) days after the date of adoption.

The Short-Term Rental (STR) Ordinance was originally adopted by the Board of Supervisors (Board) on November 19, 2019 and went into effect on January 1, 2020. Article 9.42 was amended in March 2021 to update and clarify certain provisions of the code. The STR Ordinance applies to the Eastern Placer County Short-Term Rental Area, as described in Placer County Code Section 9.42.010. On July 27, 2021 the Board adopted an urgency ordinance establishing a 45-day moratorium on the issuance of new STR permits. The moratorium was in response to community concerns related to a surge in visitation resulting from the COVID-19 pandemic, increased use of second homes as STRs in the Tahoe region over the last decade, and concerns regarding the real estate boom resulting in an increase in second homeownership and decrease in available workforce housing stock. On August 31, 2021, the Board adopted an urgency ordinance to extend the moratorium until March 31, 2022, which is the last day of the 2021 STR permit cycle.

Since the moratorium was enacted, staff began working on an ordinance update with input from the public and diverse stakeholder groups. On December 14, 2021, the Board received a presentation, considered public comment, and provided direction to staff on ordinance modifications including the addition of new provisions which would limit STRs. Based on this feedback, staff brought forward proposed ordinance updates to the Board on January 25, 2022. After significant public comment, the Board voted (5:0:0) to introduce and waive oral reading of the ordinance contained in Attachment A. The Board also provided direction to staff on

implementation of the ordinance, requesting staff focus on adaptive management including monitoring key metrics, forming a stakeholder working group to provide on-going input, and providing annual reports to the Board.

ENVIRONMENTAL CLEARANCE

This action is exempt from the California Environmental Quality Act (CEQA) since it does not have the potential for causing a significant effect on the environment in accordance with CEQA Guidelines section 15061(b)(3) (common sense exemption).

RECOMMENDATION

Staff recommends the Board approve the following action:

1. Adopt an ordinance (introduced on January 25, 2022) to repeal and replace Chapter 9, Article 9.42 of the Placer County Code to regulate short term vacation rentals (Attachment A).

FISCAL IMPACT

The impacts of a future action may be associated with an increase in potential application fees for any new STR permits, may result in more properties (e.g., the existing exempted properties) seeking STR permits and result in more fee revenue to cover staffing and enforcement costs, and/or may result in a change to the TOT revenue. There are no actual fiscal impacts associated with this action at this time.

ATTACHMENTS

Attachment A: Ordinance

Before the Board of Supervisors County of Placer, State of California

In the matter of:

An ordinance to repeal and replace
Placer County Code Chapter 9
Article 9.42 (STR Ordinance)

Ordinance No.:

The following Ordinance was duly passed by the Board of Supervisors of the County
of Placer at a regular meeting held on _____ by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

WHEREAS, on November 19, 2019, the Board of Supervisors adopted an ordinance to amend Placer County Code, Chapter 9 to add Article 9.42, titled "Short Term Vacation Rentals" (STR Ordinance); and

WHEREAS, on March 30, 2021, the Board adopted minor amendments to Placer County Code, Chapter 9, Article 9.42, STR Ordinance, aimed at clarifying and refining areas of the STR Ordinance; and

WHEREAS, on July 27, 2021, after hearing concerns from the Tahoe community regarding the decline of workforce housing and the preservation of residential neighborhoods in the Tahoe region, the Board adopted Urgency Ordinance 6094-B establishing a 45-day moratorium on the issuance of new Short-Term Rental permits pursuant to Placer County Code Chapter 9, Article 9.42, STR Ordinance; and

WHEREAS, on August 31, 2021, the Board adopted Urgency Ordinance 6099-B extending until March 31, 2022, the moratorium imposed in Ordinance 6094-B related to the issuance of new Short-Term Rental permits pursuant to Placer County Code Chapter 9, Article 9.42, STR Ordinance, so that staff could study STR program best practices, analyze STR impacts on housing and hotel/motel industries, and so that staff could explore revisions to the STR Ordinance that would restrict STRs in the Tahoe region; and

WHEREAS, following the August 31, 2021 Board meeting, the County conducted the Eastern County Short-Term Rental Economic Study which researched academic literature and STR and hotel inventory, occupancy and pricing, and assessed the association between the prevalence of STRs in eastern Placer County and changes in the availability and affordability of long-term housing, as well as the impact of changes in STR supply on dedicated hotel and motel type uses; and

WHEREAS, the Eastern County Short-Term Rental Economic Study found that; 1) literature review indicates STRs impact the availability and affordability of long-term housing and hotel feasibility, 2) roughly 28 percent of the current housing stock in Eastern Placer County is being actively used as STRs, 3) since 2010, there has been a 43 percent increase in STR units, 47 percent increase in condotel/timeshares and roughly 0 percent increase in hotel/motel units in Eastern Placer County, and 4) annual gross revenue from STRs in Eastern Placer averages \$35,000 and STRs average 103 nights rented per year; and

WHEREAS, lack of long-term affordable rental opportunities has caused a significant housing shortage crisis for the local workforce in Eastern Placer; and

WHEREAS, short term rental permits have caused renewed concern about the preservation of residential neighborhood character and integrity and an increased level of noise, disturbances, traffic and parking issues; and

WHEREAS, the proposed ordinance to repeal and replace Placer County Code, Chapter 9, Article 9.42, STR Ordinance, is intended to provide a balance between STRs and available housing stock by restricting the number of STR permits issued annually in Eastern Placer County; and

WHEREAS, the proposed ordinance to repeal and replace Placer County Code, Chapter 9, Article 9.42, STR Ordinance, is intended to further regulate nuisances associated with STRs and help preserve residential neighborhood character and integrity; and

WHEREAS, the proposed ordinance to repeal and replace Placer County Code, Chapter 9, Article 9.42, STR Ordinance, is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15061(b)(3) and 15378 since the ordinance establishes requirements for short-term rental applications and permitting, but do not modify any impacts on the environment, and consist of an administrative activity that will not result in direct or indirect physical changes in the environment.

**NOW THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER,
ORDAINS AS FOLLOWS:**

SECTION 1. Placer County Code Chapter 9, Article 9.42 is hereby repealed in its entirety and replaced with Placer County Code Chapter 9, Article 9.42 as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 2. This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 25124.

EXHIBIT A – Placer County Code, Chapter 9, Article 9.42, STR Ordinance

Article 9.42 SHORT-TERM VACATION RENTALS

9.42.010 Purpose and intent.

The Lake Tahoe Basin and surrounding areas in unincorporated eastern Placer County are known for their scenic beauty and recreational opportunities. These areas are world-renowned vacation destinations. While vacation rentals have been a staple in eastern Placer County for years, the recent surge in popularity of the short-term rental in this area have created compatibility issues in established residential areas. These issues are endangering the health and safety of residents and guests and endangering the very environment and resources that attract visitors to the area. To ensure protection of the health and safety of residents and guests and to protect the environment, it is the purpose of this article to provide permit procedures and establish standards for short-term rentals in the unincorporated area of eastern Placer County legally described in subsection A of this section as the “Eastern Placer County Short-Term Rental Area.”

All requirements, regulations and standards imposed by this article are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in the Placer County Code, state and federal law, and by the Tahoe Regional Planning Agency. This article only applies to short-term rentals in the Eastern Placer County Short-Term Rental Area. Any unit permitted as a commercial lodging use (hotel, motel, condo-hotel [as defined herein], or timeshare) is not subject to this article.

A. The legal description of the “Eastern Placer County Short-Term Rental Area” is as follows:

Beginning at the southwest corner of Section 30, T14N, R16E, M.D.B.&M. being a point on the Placer-El Dorado County line, and running thence north along section lines to the northwest corner of Section 6, T15N, R16E, M.D.B.&M., being a point on the south line of Section 36, T16N, R15E; thence east along the south line of said Section 36 to the southeast corner thereof; thence north along section lines to the quarter-section corner on the east line of Section 25 of the last mentioned township and range; thence westerly along the east-west centerlines (the half section lines) of Sections 25, 26 and 27 of the last mentioned township and range 2-3/4 miles more or less to an intersection with a branch of the North Fork of the American River located in said Section 27; thence northwesterly and westerly along said branch and said river, 9-1/2 miles more or less to the north-south centerline of Section 20, Township 16 North, Range 14 East M.D.B.&M.; thence north along the north-south centerline of Sections 20, 17, 8, and 5 of said township and range and along the north-south centerline of Sections 32 and 29 Township 17 North Range 14 East, M.D.B.&M. to the north line of Placer County; thence easterly along the north line of Placer County to the northeast corner of said county, a point on the east line of the state of California; thence south along the east line of the state of California; and the east line of Placer County to the southeast corner of said county; thence west and south along the south line of Placer County to the point of beginning.

9.42.020 Definitions.

The following words, phrases and terms as used in this article shall have the following meanings:

“Agency” means the community development resource agency.

“Agency Director” means the community development resource agency director.

“Agent” means a professional property management company authorized under contract with the property owner to rent and manage the short-term rental.

“Condo-hotel” means a facility meeting the definition of a hotel or motel, rented to the general public for overnight or other temporary lodging, with ownership structured as a condominium, cooperative or other

ownership/financing arrangement, but shall not include timeshares in or interval or fractional ownership of a hotel. The condo-hotel has front desk in-person management with access to all units who responds to complaints, enforces trash, noise, and parking rules, and includes NFPA 13-R or 13 fire sprinkler systems and NFPA 72 centrally monitored fire alarm system connected to all individual units and is inspected annually.

“Guest” or “guests” means the individual or individual(s) renting the short-term rental for the purposes of staying overnight.

“Hearing officer” shall mean the person or persons appointed by the agency director to preside over an administrative hearing provided for in this section. The zoning administrator may also act as the hearing officer if so appointed.

“Homeowner’s primary residence” means a dwelling lived in by the owner for at least ten (10) months who claims homeowner exemption on their property taxes.

“Local contact person” means an individual who is personally available by telephone on a twenty-four (24)-hour basis and who maintains the ability to be onsite within sixty (60) minutes and who has access and authority to assume management of the STR unit. An agent or professional property management company that meets the availability requirements can serve as the local contact person.

“Owner-occupied property with STR unit” means property that the owner(s) claims as their primary residence and which property includes a STR unit, either attached or detached. Primary residence is established by property tax records.

“Professional property management company” means a licensed firm charged with operating a real estate property for a fee.

“Property owner” means the owner of record of the real property on which the short-term rental exists.

“Property” means the legal parcel(s) that is the situs of a short-term rental. For single-family dwellings, “property” is defined as lot(s) upon which the dwelling is located. For a condominium, the “property” is identified as that condominium unit and the air space within it.

“Short-term rental unit” or “STR unit” means any unit, or portion thereof, permitted for residential use and rented for occupancy, dwelling, lodging, or sleeping purposes for a period of not less than one night and not more than thirty (30) days. Commercial lodging use (hotel, motel, condo-hotel [as defined herein] or timeshare) is not included in this definition and not subject to this article .

“Transient occupancy tax certificate” or “TOT” means the certificate defined in Placer County Code Chapter 4, Article 4.16.

9.42.030 Application

A. Any property owner or professional property management company who leases, rents or otherwise makes available for compensation a short-term rental unit for a period of fewer than (30) days, must first obtain a short-term rental permit pursuant to this article prior to advertising and/or operating the STR unit. The short-term rental permit is in addition to the transient occupancy tax permit that is required pursuant to County Code Chapter 4, Article 4.16 and the business license required pursuant to County Code Chapter 5. All STRs shall include the STR permit number in all advertisements.

9.42.040 STR Permit cap.

A. Cap. Effective March 31, 2022 the total number of residential short-term rental unit permits issued shall be capped at 3,900 (“overall cap inventory”). Hotels, motels, condo-hotels (as defined herein) and timeshares are not subject to this article and therefore not subject to this cap.

B. Exemption. Owner-occupied property (as defined herein) with a STR unit in good standing and a current TOT certificate is exempt from the cap but otherwise subject to all other provisions of this article.

C. Administration of the Cap.

1. STR Permit Renewal. Provided a STR unit permit in good standing is renewed prior to the expiration date of the permit, that permit application will be processed and included in the cap. STR permit renewal applications will be given priority in processing. For the 2022 permit cycle, renewal applications will be due within ninety (90) days of March 31, 2022. If a property owner or agent fails to submit an application for renewal prior to the ninety (90) days, the application will be treated as a new permit and processed on a first come first serve basis. Beginning with the 2023 permit cycle, if a property owner or agent fails to submit an application for renewal prior to the expiration date of the permit, the application will be treated as a new permit and processed on a first come first serve basis. See subsection 3 for more information.

2. Previously Approved Exemptions. It is a violation to operate or advertise a STR unit for rental without a STR permit. In an effort to bring all residential STR inventory into compliance, there will be a one-time safe harbor period for STR units that were issued approved exemptions from the program prior to adoption of this article. The certificate holder must apply for a permit within ninety (90) days of March 31, 2022. These permits will be processed on a first come serve basis. All such permits issued will be added into the cap. Failure to apply for a permit within this period of time shall result in any future application being treated as a new STR permit application, per subsection 3, and subject to the cap and waitlist provisions of this section.

3. New STR Permits. New STR permit applications, those that do not fall into subsections 1 or 2 above, and are received prior to reaching a total cap inventory, will be processed on a first come first serve basis. At such point that the total cap inventory is reached, all outstanding permit applications, either in process or received will be placed on a waitlist.

4. Change of Ownership. A change of ownership of property with a permitted STR Unit shall result in the automatic termination of the STR permit. The new owner may apply for a new STR permit. See subsection 3 for more information.

5. Revoked STR Permits. A property owner with a revoked permit may not seek a new permit for a period of two (2) years from the date of revocation. The application will be treated as a new permit. When a STR permit is revoked, the overall cap inventory will be adjusted accordingly.

6. For purposes of this article, a STR permit in good standing shall mean a permit with no violations, no unpaid fines, taxes, or assessments, and no verified complaints.

D. Wait List. The Agency will maintain a wait list for applications received or in process. The Agency will continually maintain the overall cap inventory as permits are not renewed or revoked and on a quarterly basis commencing on July 1, 2022 will open up the application process to those on the waitlist. Applications will be processed based on the date of receipt of the application, starting with the oldest date.

9.42.050 Short-term rental unit permit requirements.

It is unlawful for any person to advertise, maintain, operate or use a short-term rental in the Eastern Placer County Short-Term Rental Area without a short-term rental permit, or in violation of the terms and conditions of the permit. Short-term rental permits shall be renewed annually, and separate permits are required for each short-term rental. The permit requirements for short-term rentals are set forth below. The issuance of any permit pursuant to this article does not relieve the owner of the obligation to comply with the other provisions of the Placer County Code pertaining to the use and occupancy of the short-term rental or the property in which it is located.

A. Where Allowed. As to this article, short-term rentals are allowed in all zone districts that allow residential use, with approval of a short-term rental permit, a business license, and a TOT certificate, in the Eastern Placer County Short-Term Rental Area as described in Section 9.42.010.

B. Application Process. An application for a short-term rental permit shall be submitted by the property owner or agent (written property owner authorization and contact information is required for an agent to

file the application) to the community development resources agency. The application form is located on-line at: www.placer.ca.gov/6109/Short-Term-Rental-Program. For an application to be deemed complete, it must include the following:

1. Property owner or agent name and contact information.
2. The name of the local contact person, if different from the property owner or agent, and a telephone number at which that party may be immediately reached.
3. Address and assessor's parcel number for property for which the short-term vacation rental is located.
4. Rental unit type (i.e., single family [detached or halfplex], duplex, triplex, condo, apartment in a building with four or more units, as determined by county assessor records). Identify number of units located on the property. If more than one residential unit is located on the property, identify which rental unit is the STR.
5. Number of Bedrooms. For purposes of this section, a bedroom is a room that contains a minimum of seventy (70) square feet and that meets all requirements of the California Residential Code and contains a window or opening that can be used for emergency egress.
6. Total number of on-site parking spaces and description of parking locations, if applicable. If on-site parking is not available, an alternative parking plan must be provided designating the location of off-site parking, excluding street parking.
7. Proof of total number and type of trash receptacles (e.g. dumpster, bear box). Proof can be established by transmitting photos of installed trash receptacles consistent with Section 9.42.080 (E).
8. An application for TOT certificate that must be completed within thirty (30) calendar days from the date of application.
9. An application for a business license must be completed.
10. Number and location of fire extinguishers, smoke and carbon monoxide alarms.
11. Beginning thirty (30) days from adoption of this article, all short-term rentals shall provide a passing fire-life safety inspection within twelve (12) months. Beginning March 31, 2023, all short-term rentals shall provide a passing fire-life safety inspection upon permit application (required annually for privately managed STRs or every three years for professionally managed STRs). The approved fire-life safety inspection certifies compliance with Fire Code and fire safety requirements. If a fire-life safety inspection fails twice in a twelve (12)-month period, the short-term rental application shall be denied.
12. Beginning thirty (30) days from adoption of this article, all short-term rentals shall provide a passing defensible space inspection within twelve (12) months. Beginning March 31, 2023, all short-term rentals shall provide a passing defensible space inspection, conducted within preceding twelve (12) months, upon permit application. The approved defensible space inspection certifies compliance with Fire Code defensible space requirements and is required annually. If a defensible space inspection is not submitted before next renewal date or within twelve (12) months, whichever is sooner, the permit shall not be renewed. If a defensible space inspection fails twice in a twelve (12)-month period, the short-term rental application shall be denied.
13. Acknowledgment that the property owner or agent has read and understood the operational standards and prohibitions and restrictions in this article, and the county's noise, parking, garbage collection, and guest safety.
14. Photo proof of interior posting of Good Neighbor Flyer in unit.

15. If the information supplied by the property owner on the application for a short-term rental permit is not consistent with county records, an inspection may be required prior to or after the issuance of the short-term rental permit. An inspection fee shall be charged for the inspection.

C. Denial of STR Permit Application.

1. The county may deny a new permit or renewal application in any of the following circumstances:

a. The short-term rental permit application is incomplete and the application has failed to respond to Agency requests to complete for a period of thirty (30) days;

b. The short-term rental permit application contains a false or misleading statement or omission of a material fact;

c. The short-term rental, property owner, agent or guest is currently in violation of, has previously been found to be in violation of, or is under investigation for violation of, any local, state or federal laws, statutes, rules or regulations;

d. A short-term rental property owner has received three violations within any twenty-four (24) month period;

e. The property owner or agent is delinquent on any payment to the county of any fees, penalties, taxes, or any other monies related to the short-term rental property, including, but not limited to, transient occupancy taxes and property taxes;

f. Prior revocation or suspension of a short-term rental permit;

g. The operation of a short-term rental is a threat to the public health, safety, or welfare, or where the chief building official has deemed the structure uninhabitable;

h. A failed fire inspection, or a refusal to allow a fire inspection of the short-term rental;

i. Absence/expiration of a TOT certificate;

j. Any required application fee or renewal fee has not been paid; or

k. A notice of non-compliance has been recorded on the property pursuant to Placer County Code Section 17.62.080(B).

2. Appeal. The applicant may appeal the denial of a permit pursuant to Section 9.42.110.

9.42.060 Permit fees.

A. Permit Fee. Each short-term rental permit application shall be accompanied by the non-refundable short-term rental permit fee.

B. Fee Schedule. The fee schedule shall be established by resolution of the board following a public hearing. Said fee schedule may be adjusted by resolution of the board following a public hearing. Permits and fees required by this article are non-refundable and are in addition to any license, permit, certificate or fee required in any other chapter of the Placer County Code.

9.42.070 Term, scope and renewal of short-term rental permit.

A. Term and Scope of Short-Term Rental Permits. A short-term rental permit issued under this article shall expire three hundred sixty-four (364) days from date of permit issuance, unless revoked earlier. The permit authorizes the property owner to conduct only such services as is described in the permit and in accordance with the terms and conditions of this article. Beginning January 1, 2022, a STR permit application for an existing short-term rental permit must be submitted prior to the expiration date of the permit. Beginning in 2023, a STR permit application for an existing short-term rental permit must be submitted at least thirty (30) days prior to the expiration date of the permit. Upon timely submittal of renewal, the STR permit will remain effective until such time as the STR permit is renewed or denied. Failure to timely submit an application for a renewal of an existing short-term rental permit shall result in that permit being eliminated from the cap inventory and the owner or agent must apply for a new short-term rental permit.

9.42.080 Operational standards.

All short-term rentals are required to comply with the following standards and shall not generate other potential disturbances which may disrupt the peace, safety, and general welfare of communities. Failure to comply with the standard conditions of this section may result in fines and permit revocation as outlined in Section 9.42.100.

A. Responsibility of Property Owner to Prevent Nuisance Behavior and Maintain Neighborhood Peace and Quiet. The property owner and/or agent shall inform guest(s) that they are not to violate the standards of this article and shall be responsible to take any action necessary to ensure that guest(s) abide by the terms of this article and other applicable provisions of Placer County Code.

B. Local Contact Person. A local contact person shall be personally available by telephone on a twenty-four (24) hour basis and maintain the ability to be physically present at the short-term rental within sixty (60) minutes of contact by code compliance, the Placer County sheriff, or the guest(s), and has access and authority to assume management of the short-term rental in order to respond to and remedy calls or complaints. Calls or complaints about physical conditions or circumstances that constitute an immediate threat to the public health and safety shall obligate the local contact person to immediately contact the appropriate law enforcement, fire, or other authority.

C. Parking. On-site parking for all vehicles, boats and trailer parking shall be provided for each short-term rental. If the property does not have on-site parking the property owner shall have a county-approved parking plan designating the location of off-site parking. Parking shall not encroach into the roadway. In addition, snow area parking must comply with all applicable Placer County Code sections, including Section 10.12.020 (Illegal Parking—Generally). All permitted parking locations and the quantity of vehicles that fit on said locations shall be clearly set forth in all rental agreements and in all online advertisements and listings per Section 9.42.080 (F).

D. Noise. All short-term rental guests are required to comply with the standards of Placer County Code Article 9.36 (Noise) and the community noise equivalent levels (CNEL) of the Tahoe Basin Area Plan with the following additions:

1. The daytime and nighttime noise limits shall be posted inside the vacation rental in a location readily visible to all guests.
2. Amplified sound, meaning sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means, shall not be used outside or be audible from the parcel line of any short-term rental at any time.
3. Quiet hours shall be imposed from 9:00 p.m. to 8:00 a.m. Pacific Standard Time. No sound from the STR shall be audible from the parcel line of any short-term vacation rental unit during this time.

E. Trash and Refuse.

1. With the exception of trash properly deposited in trash collection receptacles, accumulation of trash and debris outside of the short-term rental at any time is prohibited.

2. A minimum service level or equivalent of two trash containers per short-term rental per week must be maintained. If the agency director determines the minimum service level is insufficient to accommodate all trash generated by the short-term rental, the property owner and/or agent shall arrange for a higher level of service which will accommodate all trash generated by the short-term rental.

3. Each exterior trash collection receptacle shall be “animal proofed” and shall comply with Placer County Code Chapter 8, Article 8.16, Part I, Division II Recollection and Storage Practices. Each short-term rental shall provide a bear box enclosure or dumpster as defined and pursuant to the requirements of Placer County Code Chapter 8, Article 8.16, Part I, Division III Prevention of Bear Access to Garbage Can Enclosure. Bear bin enclosures or dumpsters must be large enough to securely contain the minimum trash service level or sized appropriately to securely accommodate all trash generated by the short-term rental. Failure to provide proof of bear-bin installation and maintenance of the same may result in denial of the permit issuance or renewal.

F. Posting Requirements.

1. Interior Postings. The Placer County Good Neighbor flyer shall be posted within the interior of the rental unit in a visible location by the front door and on the interior of each bedroom door, as well as in all online or printed advertisements and listings. The Good Neighbor Flyer shall contain the contact information for the local contact person and emergency information, and operational standards at a minimum pertaining to noise, parking, fire and life safety, occupancy limits, bears and trash, and pets.

2. Exterior Postings. Each short-term rental shall post the STR permit registration number of the unit as well as the Placer County STR Hotline phone number on the exterior of the wildlife proof trash receptacle, if applicable, visible from the street, or in the front window or front door of each STR, visible from the front entrance.

3. Requirements for Advertisements. All permitted short-term rentals shall include the following information in any online or printed advertisement:

1. Valid Placer County Short-Term Rental Permit number
2. Maximum daytime and nighttime occupancy
3. All permitted parking locations and the quantity of vehicles that fit on said locations
4. Link to Good Neighbor Flyer

G. Visible Address. Each short-term rental shall have an address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Whenever the address on the short-term rental unit will not be clearly visible from the street or access road fronting the property, the address shall also be placed at the public street or access road in a manner which is clearly visible from both directions of travel on the frontage road or street. Address identification characters shall contrast with their background and conform to the minimum size requirements of Placer County Code Section 15.04.260. A short-term rental in a condominium building that does not have an individual address may utilize the condominium building address and need not comply with these requirements.

H. Smoke Alarms. Smoke alarms, in good working order, shall be installed in accordance with the California Building Code and at a minimum shall be installed in each bedroom, and at least one alarm on every level of the short-term rental, including basements and habitable attics.

I. Carbon Monoxide Alarms. Carbon monoxide alarms, in good working order, shall be installed in accordance with the California Building Code and at a minimum shall be installed outside each bedroom, on every level of the rental unit, including basements and habitable attics, and bedrooms or attached bathrooms with a fuel-burning appliance, and shall be installed in accordance with the manufacturer’s installation instructions.

J. Fire Extinguisher. Each short-term rental shall be equipped with one five-pound fire extinguisher, type 3-A:40-B:C, installed at a readily available location near the kitchen. If the short-term rental has more than one level, an extinguisher must be mounted within each level. Fire extinguishers shall be inspected annually by a certified professional to ensure the extinguishers are in good working order.

K. Emergency Communications. Each short-term rental unit shall contain at least one working landline phone or Voice Over Internet Protocol.

L. Fire Inspections. Except as provided in Section 9.42.150, short-term rentals shall allow fire district staff or other fire district-approved designees to conduct a life-safety inspection prior to permit application for all STR permits, once every year for privately owned STRs or once every three years if the rental is managed by a professional property management company, or upon request by the fire district. The fire inspection is to ensure the rental complies with sections relating to occupancy based off the number of bedrooms (9.42.050(B)(5)), smoke alarms (9.42.080(H)), carbon monoxide alarms (9.42.080(I)), fire extinguishers (9.42.080(J)), visible address (9.42.080(G)), emergency communications (9.42.080(K)), outdoor fireplaces, grills and barbecues (9.42.090(C)). Additionally, the short-term rental shall pass annual defensible space inspections to meet all local and state code requirements. The inspections, including re-inspections, due to noncompliance and inspections prompted by complaints and/or violations, are subject to the applicable fire district fee schedule cost for inspections. Records of such issues shall be provided by the fire district to the code compliance services division for inclusion in its administrative citation process and referred to the county for enforcement. Failure to allow an inspection to occur may result in revocation of the short-term rental permit pursuant to Section 9.42.100(D). See also Section 9.42.090(C) for prohibitions and restrictions for fire restrictions.

M. Active Building Permits. Short-term rentals shall not be rented during construction, remodeling, additions, or an active building permit, unless the building permit for the same has been approved by final inspection or county issued occupancy certificate, or approval by the county's building official, and upon an affirmative showing by the agent that the safety and welfare of occupants can be maintained. If the work creates an uninhabitable area by lack of sanitation, cooking, sleeping, or heating, the chief building official shall deem the structure uninhabitable and the structure shall not be rented as a short-term rental until authorized by the county's building division for such use or occupancy.

N. Maximum Occupancy Amount. Nighttime occupancy is defined as two people per bedroom, plus two additional people, up to a maximum of 12 guests, excluding children under twelve (12) years of age. Nighttime occupancy limits begin at 9:00 p.m. Daytime occupancy is defined as one and a half times the maximum number of occupants allowed to stay overnight at the unit, excluding children under twelve (12). Occupancy limits may be increased on a case-by-case basis, at the discretion of the agency director or if a permit has been issued by the county pursuant to Placer County Code Section 17.56.300(B) and shall not exceed occupancy design limits set by the California Building Code in effect at the time. Daytime and nighttime occupancy standards shall be included in all advertisements and listings per Section 9.42.080 (F).

O. The property owner shall be responsible for maintaining the property at all times in compliance with the county's Hazardous Vegetation and Combustible Material Abatement Ordinance pursuant to County Code Chapter 9, Article 9.32, Part 4.

P. Minimum Number of Days and Nights for Rent or Lease. Short-term rentals shall be rented a minimum of thirty (30) nights per year. The STR permit will not be renewed if the property did not meet the minimum number of nights rented. Properties with an active building permit per Section 9.42.080 (M) that prohibits the minimum use of STR shall not be disqualified from permit renewal if the number of nights is reduced due to the activity authorized by the building permit.

Q. Snow Removal. Snow removal services, provided by either the owner, manager, or a professional service, shall be included for any STR booked between December 1 and April 1.

9.42.090 Prohibitions and restrictions.

A. Prohibited and Restricted Structures.

1. **Affordability and Deed Restrictions.** A structure or property with a recorded county covenant, deed restriction or agreement restricting its use, including, but not limited to, affordable or achievable dwelling units or deed-restricted secondary dwelling units, shall not be used for short-term rentals, except for those deed restricted to allow a maximum duration of short-term rental use under the Workforce Housing Preservation Program. Short-term rentals are not allowed in structures not intended for residential occupancy under the California Building Code Standards and county code.

2. **Types of Units.** Short-term rental of tiny homes or mobile or manufactured home units is prohibited.

3. **Maximum STR Units per Property.** Only one STR unit per property is permitted, including single-family and multi-family properties.

B. **Incidental Camping.** A short-term rental permit does not authorize incidental camping, which means any overnight camping, sleeping in tents or on decks attached to the short-term rental unit, or sleeping in travel trailers or recreational vehicles parked on the short-term rental property.

C. **Fire Restrictions.**

1. **Grills and Barbeques.** Grills and barbeques are not permitted beneath a potentially flammable source including trees, umbrellas, decks, or other appurtenant structures, and shall be no less than ten (10) feet away from a structure or as far as can be accommodated and any flammable materials. Charcoal grills of any type are strictly prohibited. Guests shall not bring personal grills and barbeques to the short-term rental; only those provided with the short-term rental are permitted to be used as installed.

2. **Outdoor Fireplaces.** No open wood burning pits, bonfires, or campfires are permitted to occur at short-term rentals. Natural gas/propane burning fireplaces and fire pits with twenty (20) pound tanks or smaller are acceptable outside provided the device is at least ten (10) feet from a structure and any flammable materials and is existing at the short-term rental. Guests shall not bring personal fireplaces or firepits to the short-term rental.

3. **Red Flag Days.** When a National Weather Service Red Flag Warning is in effect for the geographical area where the short-term rental is located, all sources of outdoor open flame (including gas/propane/pellet bbqs) are prohibited.

D. **Pets.** Pets shall be secured within the boundaries of the STR parcel at all times. If the STR parcel is not fenced, pets must be kept on a leash and accompanied by the owner at all times while outside. Failure to comply with the county's leash and dog barking requirements (See Placer County Code Chapter 6, Article 6.08, Sections 6.08.010 and 6.08.020) could result in penalties under that article.

E. **Subletting.** Guests are prohibited from subletting a short-term rental. Only property owners and/or agents with a valid short-term rental permit and TOT certificate are allowed to advertise and rent a residential unit as a short-term rental.

F. **Special Events.** Weddings, corporate events, commercial functions, and any other similar events which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities, unless a permit has been issued by the county pursuant to Placer County Code Section 17.56.300(B).

G. **Fireworks.** No person shall use, discharge or possess any fireworks, as defined in Sections 12505 or 12529 of the State Health and Safety Code, unless issued a permit pursuant to County Code Chapter 9, Article 9.33.

9.42.100 Penalties.

Any person including guests, property managers, local contact person, agent, and/or property owner who violates the provisions of this article may be subject to administrative and/or judicial remedies as set forth herein.

A. Operating or Advertising a Short-Term Rental Unit Without a Permit.

It is a violation to operate or advertise a short-term rental without a permit. Failure to apply for the same within thirty (30) days of written notice from the county shall result in an administrative penalty of one thousand five hundred dollars (\$1,500.00) (“first administrative penalty”). Failure to comply within thirty (30) days of issuance of the first administrative penalty shall result in a second administrative penalty of three thousand dollars (\$3,000.00) (“second administrative penalty”). Failure to comply within thirty (30) days of the second administrative penalty shall result in a third administrative penalty of five thousand dollars (\$5,000.00) (“third administrative penalty”). The penalty amounts are cumulative. If the property owner fails to comply after the imposition of the third administrative penalty, the county may initiate nuisance abatement and/or seek judicial remedies to prohibit continued operations and/or advertising of the unpermitted STR unit.

B. Operating a Short-Term Rental Unit in Violation of Section 9.42.090, Prohibitions and Restrictions.

Operating or advertising a STR unit in violation of Section 9.42.090 is prohibited. The county shall notify the property owner and/or agent of the same and require the use of the unit as an STR be discontinued within thirty (30) days of notice. Additionally, the county shall issue an administrative penalty of one thousand five hundred dollars (\$1,500.00) (“first administrative penalty”) to the property owner. Failure to comply within thirty (30) days of issuance of the first administrative penalty shall result in a second administrative penalty of three thousand dollars (\$3,000.00) (“second administrative penalty”). Failure to comply within thirty (30) days of the second administrative penalty shall result in a third administrative penalty of five thousand dollars (\$5,000.00) and a hearing for revocation of the permit. The penalty amounts are cumulative. If the property owner fails to comply after the imposition of the third administrative penalty, the county may initiate nuisance abatement and/or seek judicial remedies to prohibit continued operations.

C. Operational Standards Violations. It is a violation of this article for any guest, property owner, or agent to fail to comply with the operations standards set forth in Section 9.42.080 of this article.

1. General operational standard violations. With the exception of 9.42.080 subsections C, D, E, and N, the county shall notice the property owner and/or agent for violations of operational standards and require compliance within thirty (30) days. Failure to comply within thirty (30) days shall result in the issuance of a citation for a first administrative penalty of one thousand five hundred dollars (\$1,500.00). Failure to comply within thirty (30) days of issuance of first administrative penalty shall result in a second citation for an administrative penalty of three thousand dollars (\$3,000.00). Failure to comply within thirty (30) days of the second administrative penalty shall result in a third citation for an administrative penalty of five thousand dollars (\$5,000.00) and a hearing for revocation of the permit.

2. Parking, trash, and occupancy violations. The county is authorized to notice both the guest and the property owner separately for violations of Section 9.42.080 subsections C, E, and N. The county shall notify the local contact person and guests of the violation and the requirement to cure the same within one hour. Failure to cure the violation(s) within one hour after notification shall result in the issuance of a citation for a first administrative penalty of one thousand five hundred dollars (\$1,500.00) (“first administrative penalty”). If the violation continues, for one day after the first administrative citation, the county is authorized to cite a second administrative penalty of three thousand dollars (\$3,000.00) (“second administrative penalty”). Failure to comply within thirty (30) days of the second administrative penalty shall result in a third citation for an administrative penalty of five thousand dollars (\$5,000.00) and a hearing for revocation of the permit. The penalty amounts are cumulative. A property owner and/or guest(s) staying on the property who together receive a total of three notices of violation within a ninety (90) day period shall result in the issuance of a citation for an administrative penalty of one thousand five hundred dollars (\$1,500.00) regardless of whether the violations were cured within one hour after notification. A citation issued for three notices of violation within a ninety (90) day period will count towards subsection (D)(4).

3. Noise violations. The county is authorized to notice both the guest(s) and the property owner separately for violations of Section 9.42.080 subsection D. The county shall notify the local contact person and guests of the

noise violation and the requirement to cure the same within one hour. Failure to cure the violation(s) within one hour after notification shall result in the issuance of a citation for a first administrative penalty of one thousand five hundred dollars (\$1,500.00) of each guest and/or property owner. If the violation continues for one additional hour, the county is authorized to issue a second administrative penalty of three thousand dollars (\$3,000.00) for each guest and/or property owner. If the violation is not cured within three hours after notification, the county is authorized to issue a third administrative penalty of five thousand dollars (\$5,000.00) of each guest/and or property owner. The penalty amounts are cumulative. A property owner and/or guest(s) staying on the property who together receive a total of three notices of violation within a ninety (90) day period shall result in the issuance of a citation for an administrative penalty of one thousand five hundred dollars (\$1,500.00) regardless of whether the violations were cured within one hour after notification. A citation issued for three notices of violation within a ninety (90) day period will count towards subsection (D)(4).

D. Revocation of a Short-Term Rental Permit. The county may revoke a short-term rental permit for any of the following reasons:

1. The short-term rental permit application contains a false or misleading statement or omission of a material fact;

2. The short-term rental, property owner, agent or guest is currently in violation of, has previously been found to be in violation of, or is under investigation for violation of, any local, state or federal laws, statutes, rules or regulations;

3. The property owner or agent fails to comply with violations and payment of penalties pursuant to subsection C.

4. A short-term rental property owner and/or guest(s) staying on the property have together received a total of three citations within any twenty-four (24) month period;

5. The property owner or agent is delinquent on any payment to the county of any fees, penalties, taxes, assessments, or any other monies related to the short-term rental property, including, but not limited to, transient occupancy taxes;

6. Prior revocation of a short-term rental permit;

7. The operation of a short-term rental is a threat to the public health, safety, or welfare, or where the chief building official has deemed the structure uninhabitable;

8. A failed fire inspection, or a refusal to allow a fire inspection of the short-term rental;

9. Absence/expiration of a TOT certificate or business license;

E. Other Remedies.

1. Nuisance abatement. It shall be a nuisance to operate a STR unit in violation of this article. The county may initiate nuisance abatement proceedings pursuant to Placer County Code Chapter 17, Article 17.62, Section 17.62.160. The county may initiate nuisance abatement proceedings in addition to the citation and administrative penalty process outlined herein.

2. Civil penalties. The county may seek civil penalties in addition to the administrative penalties identified in this article pursuant to Placer County Code Chapter 1, Article 1.24, Section 1.24.010(C) to enforce this article. The county may seek judicial remedies for failure to pay said administrative penalties within thirty (30) days of the date of the violation.

3. Remedies Cumulative. The remedies, procedures and penalties provided by this section are cumulative as to each other and to any others available under state law or other county ordinances. In the event of any conflict

between the penalties set forth in this article and any penalties set forth in state law, the maximum penalties allowable under state law shall govern.

F. **Costs of Enforcement.** All money and assets collected in payment of penalties for violations of this article and all money and assets collected for recovery of costs of enforcement of this article shall be used to offset the cost of enforcement of this article.

9.42.110 Appeals.

A. **Appeal.** A guest, property manager, local contact person, agent, or property owner of the short-term rental may appeal a penalty or decision on a permit application issued pursuant to this article to a county hearing officer by filing a written notice of appeal to the code compliance services division within ten (10) calendar days of the service of the notice of the penalty or decision.

1. If an appeal is filed, the code compliance officer or designee shall schedule an appeal hearing with a county hearing officer selected on a rotating basis from a list of appointed hearing officers who are not current county employees. Such appeal hearing shall be heard within thirty (30) days from the date of receipt of the appeal.

2. Once the appeal hearing has been scheduled, written notification thereof shall be given to the guest/property owner/agent by certified mail at least ten (10) calendar days prior to the hearing date.

3. At the hearing, the guest/property owner/agent shall have the right to testify, to be represented by counsel, to present witnesses on the guest/property owner/agent's behalf, to cross-examine all other witnesses and to present oral and written documents and evidence on the issues.

4. Within thirty (30) days of the conclusion of the hearing, the hearing officer shall render a written decision which shall be served on the guest/property owner/agent by certified mail. The hearing officer's decision shall be the final level of administrative action of the county.

9.42.120 No property rights conferred.

Short-term vacation rental permits do not provide a vested interest or entitlement in the continued operation of a short-term rental upon a change of property ownership. Short-term rental permits are revocable, non-transferable permits and shall not run with the land.

A change of ownership created by the sale of the property on which the STR permit is located results in the termination of the STR permit. It is the responsibility of a property owner who has sold their property to notify the county and revenue services upon change of ownership. Change of ownership occurs upon close of escrow. As of this date, all existing short-term rental permits will automatically terminate and be of no further force and effect. Continued operation of a short-term rental upon change of ownership will result in a violation of this article. It is the property owner's duty to resolve any bookings that will occur after close of escrow. The new owner of the property may apply for a new STR permit, which is subject to all requirements of this article, including the cap.

9.42.130 Severability.

The provisions of this article are declared to be separate and severable. The invalidity of any clause, phrase, sentence, paragraph, subdivision, section or portion of this article, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this article, or the validity of its application to other persons or circumstances.

9.42.140 Administration.

The Placer County community development resource agency director, the Placer County chief building official, Placer County fire warden, Placer County health officer, the Placer County environmental health officer, the

Placer County sheriff, and any employee designated by any of those persons, are authorized to administer and enforce this article to ensure compliance.

9.42.150 Application of article.

This article takes effect thirty (30) days from adoption of this article. With the exception of Section 9.42.090(A)(3) and Section 9.42.080(L), all provisions of this article shall apply as of that date to applications for new and renewed STR permits.

As to Section 9.42.090(A)(3), STR permit holders who have more than one STR unit per property and for which a STR permit was issued in the past by the county and which permits and properties have no violations of this article or county code, may request an amnesty period of up to one year or until March 31, 2023, whichever comes sooner, during which to reduce the number of STR units to comply with this article. Amnesty may be granted by the agency director if there are no outstanding violations or administrative penalties, the STR permits are still valid, and fees, taxes, assessments, and TOT payments have been paid in full as of December 2021. The agency director may deny a request for amnesty if any of these findings cannot be made and such a decision is appealable.

As to Section 9.42.080(L), beginning thirty (30) days from adoption of this article, all short-term rentals shall provide a passing fire-life safety inspection and defensible space inspection within twelve (12) months. Beginning March 31, 2023, all short-term rentals shall provide a passing defensible space inspection, conducted within preceding twelve (12) months, and a fire-life safety inspection upon permit application.