

## EXHIBIT C

### CHAPTER 4 ARTICLE VIII OF THE SONOMA COUNTY CODE

#### ARTICLE VIII – VACATION RENTAL LICENSES

##### **Sec. 4-200 Title.**

This article is known as the Vacation Rental License Ordinance.

##### **Sec. 4-201 Purpose.**

The purpose of this article is to establish standards for vacation rentals that enable them to operate in a manner that does not create a nuisance and maintains the public health, safety, and welfare of each community and the county and as a whole.

##### **Sec. 4-202 Definitions.**

The following words and phrases have the meanings respectively ascribed to them by this section. All citations to federal and state law refer to the act, statute, or regulations as may be amended from time to time.

- A. “Applicant” means a person applying for a license under this section.
- B. “Certification” means the approval issued by the Director to a certified property manager.
- C. “Certified property manager” means an individual authorized by certification to manage a vacation rental.
- D. “Department” means the Permit and Resource Management Department.
- E. “Director” means the Director of the Permit and Resource Management or the director’s designee.
- F. “Individual” means a natural person.
- G. “Land use permit” means a permit authorizing a vacation rental issued under the Sonoma County Zoning Code (Chapter 26).
- H. “License” means a license to operate a vacation rental issued under this section.
- I. “Licensee” means a property owner that holds a license.
- J. “Operate/operating a vacation rental” includes allowing tenancy of a vacation rental,

entering into a rental agreement or otherwise arranging tenancy, and advertising a vacation rental (e.g. online posting, social media, sign, flyer).

- K. "Parcel" means a legal parcel of record in compliance with the California Subdivision Map Act (California Government Code Section 66410 et. seq.) and the Sonoma County Subdivision Ordinance (Chapter 25).
- L. "Person" includes an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, tribe, or any other group or combination acting as a unit, and the plural as well as the singular.
- M. "Property owner" means a person with an ownership interest in the real property upon which a vacation rental is located or proposed.
- N. "Vacation rental" means the tenancy of residential property for a term of 30 days or less that is subject to transient occupancy tax. Vacation rental does not include a hosted rental or a bed and breakfast inn.

**Sec. 4-203 Administration.**

This section will be administered under the direction of the Board of Supervisors, by and through the Director of the Permit and Resource Management Department subject to the standards and criteria contained in this section.

**Sec. 4-204 Applicability.**

- A. License and compliance required. A property owner must obtain a license through the application process established by the Director prior to operating a vacation rental in the unincorporated county. Each property owner of the parcel upon which a vacation rental is proposed must consent to the application. A licensee must comply with the standards required by this section.
- B. Term and Renewal.
  - i. A license expires 1 year from the date of issuance and may be renewed annually in accordance with the license renewal process established by the Director.
  - ii. A license or renewal will not be issued if there is an open code violation associated with a vacation rental on the parcel. An open code violation means a notice and order or administrative citation has been issued and the violation has not been abated or the costs and civil penalties have not been paid, or both.
- C. Liability. Nothing in this section, including the issuance of a license, nor compliance with the provisions of this section, relieves a person from responsibility for damage to other persons or property, or imposes liability upon the county, its officers, agents, or employees, for damage to other persons or property.

- D. **Other Laws and Permits.** Nothing in this section eliminates the need for a licensee to comply with local, state, or federal law, or to obtain other permits, approvals, or authorizations required by this code or state or federal agencies.

**Sec. 4-205 License Standards.**

A vacation rental license must be issued if the applicant shows compliance with the following standards:

- A. **Wastewater Treatment Systems.** If a vacation rental is on a conditional or non-standard septic system, or a septic system with capacity limited by a voluntary repair, the maximum occupancy is equal to the design load of the septic system. Where no record exists showing size and capacity of the septic system, maximum occupancy is limited to 4 guests, not including children under 3 years old.
- B. **Compliance Generally.** A vacation rental must obtain zoning clearance and comply with all applicable laws and regulations.
- C. **Noise:** Daytime noise between the hours of 7 a.m. and 10 p.m. shall not exceed the following limits:

Average noise for 30 minutes in any hour: 50 decibels

Average noise for 15 minutes in any hour: 55 decibels

Average noise for 5 minutes in any hour: 60 decibels

Average noise for 72 seconds in any hour: 65 decibels

Night time noise between the hours of 10 p.m. and 7 a.m. shall not exceed the following limits:

Average noise for 30 minutes in any hour: 45 decibels

Average noise for 15 minutes in any hour: 50 decibels

Average noise for 5 minutes in any hour: 55 decibels

Average noise for 72 seconds in any hour: 60 decibels

Activities that involve amplified sound and/or loud impulsive sounds such as fireworks or drumming are prohibited at any time.

- D. **Parking.** On-street parking must conform to the Sonoma County Parking Regulations and the California Vehicle Code.
- E. **One Vacation Rental, One Tenant.** There may only be 1 vacation rental per parcel and a vacation rental may only be rented to 1 tenant (group) at a time.

- F. **Pets.** A pet, if allowed by licensee, must be secured on the property at all times and cannot be left unattended. Guests must comply with Sonoma County leash law (Section 5-115).
- G. **Trash and Recycling Facilities.** Recycling and refuse storage bins must not be stored within public view unless in compliance with neighborhood standards. Recycling and trash receptacles must be returned to screened storage areas within 24 hours of trash pick-up.
- H. **Outdoor Burning.** Outdoor burning, when not prohibited by state or local fire bans, cannot exceed 3 feet in diameter, cannot be located within 25 feet of a structure or combustible material, must be located on a non-combustible surface, must be covered by a fire screen, must be immediately extinguished when no longer in use, and cannot be used after 10 p.m. Outdoor burning, other than gas-fired appliances and gas-fired barbecues, is prohibited during Calfire Declaration of Fire Season or a National Weather Service Red Flag warning.
- I. **Transient Occupancy Tax.** A licensee must maintain a transient occupancy tax certificate and remain current on all required reports and payments.
- J. **Emergency Access.** If a vacation rental is located behind a locked gate or within a gated community, a gate code or a lockbox with keys ("Knox Box" or similar) must be provided for exclusive use by first responders.
- K. **Evacuation During Emergencies.** Written evacuation instructions identifying the evacuation zone, evacuation route, and the Calfire Evacuation Checklist must be provided to guests and posted within the vacation rental. Guests must leave the property when a Voluntary Evacuation Order is issued for the evacuation zone. The certified property manager must inform guests when a Voluntary Evacuation Order is issued.
- L. **Contact Information.** Licensee and certified property manager must provide the Department a current phone number, email address, and mailing address, and update the contact information as needed. This contact information may be used to address complaints, convey general program information, and serve legal notices related to violations and suspension or revocation. Messages and mail must be checked regularly.
- M. **License Posting and Inclusion in Rental Agreements.**
1. A copy of the license, the license standards, and land use permit must be posted inside the vacation rental in a prominent location within 6 feet of the front door.
  2. A copy of the license, the license standards, and land use permit must be included in all rental agreements.
- N. **Advertisements.** Advertising, handouts, flyers, internet listings, and any other information provided for a vacation rental must conform to the license, land use permit, and this section and include the following:

3. License number;
4. Maximum occupancy, not including children under 3 years old;
5. Maximum number of vehicles allowed on and off site;
6. Notification that quiet hours must be observed between 10:00 p.m. and 7:00 a.m.;
7. Notification that no outdoor amplified sound is allowed; and,
8. The transient occupancy tax certificate number for the property.

**Sec. 4-206 Neighbor Notification.**

Following license approval or renewal, at the licensee's expense, the County will mail notice of license issuance to each property and property owner within 300 feet of the vacation rental. The notice will include a copy of the license and contact information for the certified property manager.

**Sec. 4-207 Certified Property Managers.**

- A. **Certified Property Manager Required.** A vacation rental must be managed by a certified property manager. A certified property manager is an individual who has successfully completed the training course and passed the certification test administered by the County. A licensee can be a certified property manager if the requirements of this section are met. A property management company cannot be a certified property manager, but may employ or work with a certified property manager.
- B. **Contact.** A certified property manager must be available to the public and the Department at all times while a vacation rental is occupied. Direct contact information for the certified property manager is required. A call center or third party phone service is not allowed.
- C. **Location.** A certified property manager must reside within 30 road miles of all vacation rentals they manage.
- D. **Complaint Response and Resolution.** After a certified property manager receives a complaint related to a vacation rental from either the public or the Department, the certified property manager must contact the tenants within 1 hour between 7 a.m. and 10 p.m., and within 30 minutes between 10 p.m. and 7 a.m. The certified property manager is responsible for resolving all complaints related to violation of the license, land use permit, or this section. Each complaint and its resolution must be reported to the Department within 24 hours of the complaint being received. If a certified property manager is unable to resolve a complaint related to a vacation rental, they must immediately report it to the Department.

- E. **Change in Certified Property Manager.** If the certified property manager changes, the licensee must submit a supplemental license form. The vacation rental cannot operate until the supplemental license form has been received and accepted by Department.

**Sec. 4-208 Enforcement.**

- A. **Violations.** An activity performed contrary to this section or a license is a violation of the Sonoma County Code and a public nuisance and may be subject to any remedies contained in Chapter 1 and any other remedies available under law.
- B. **Enforcing Officer.** The Director is authorized to enforce the provisions of this section and is the enforcing officer for purposes of Chapter 1.
- C. **Responsible Parties.** A responsible party, as defined by Sonoma County Code Section 1-7, includes the licensee, each property owner, the certified property manager, and the tenant. Under Sonoma County Code, each responsible party is jointly and severally liable for abating a violation, paying associated costs and civil penalties, and otherwise complying with an order or final determination.

**Sec. 4-209 License or Certification Suspension or Revocation.**

- A. **Suspension or Revocation.** The Director may suspend or revoke a license or certification in the event of one or more of the following:
  - i. License issuance or certification was based on inaccurate or incomplete information.
  - ii. The vacation rental has operated in nonconformance with the Sonoma County Code or license.
  - iii. The vacation rental constitutes a nuisance.
  - iv. The certified property manager has not complied with the requirements of this section.
  - v. Licensee has failed to pay fees or civil penalties associated with the vacation rental.
- B. **Notice of Suspension or Revocation.** To revoke or suspend a license or certification, the Director must issue a written notice to the licensee and certified property manager. The notice must include:
  - i. The address of the vacation rental;
  - ii. License number or certification number;
  - iii. Reason for suspension or revocation; and

iv. A statement of appeal rights.

C. **Service of Notice.** A notice of suspension or revocation must be sent via email and certified mail to the licensee's and certified property manager's addresses on file with the Department.

**D. Appeals.**

- i. **Right of Appeal.** A notice of suspension or revocation may be appealed by the licensee or the certified property manager to a hearing officer.
- ii. **Form and Timing.** An appeal must be made in writing and submitted to the Department within 10 calendar days from the date of the notice.
- iii. **Failure to Appeal.** Failure to file a timely appeal makes the suspension or revocation final and constitutes a waiver of the right to an appeal hearing and adjudication of the suspension or revocation.
- iv. **Appeal Hearing.** An appeal hearing must be noticed, conducted, and decided in accordance with the rules and timelines established by Section 1-7.3.
- v. **Consolidation.** The Department may consolidate an appeal hearing for a notice of suspension or revocation with an appeal hearing for a related administrative enforcement action under Section 1-7.3.

**E. Effect of Suspension or Revocation.**

- i. **License Suspension.** If a license is suspended, a vacation rental cannot operate on the parcel until the suspension expires. If the license expires during the suspension, a license application will not be accepted for the parcel until after the suspension expires.
- ii. **License Revocation.** If a license is revoked, a new license cannot be issued and a vacation rental cannot operate on the parcel for at least 2 years and until a new vacation rental license is issued.
- iii. **Certification Suspension.** If a certification is suspended, the individual cannot serve as the certified property manager for any vacation rental until the suspension expires. A vacation rental that was managed by the individual may continue to operate only if the licensee changes certified property managers in accordance with this section.
- iv. **Certification Revocation.** If a certification is revoked, the individual cannot serve as a certified property manager for any vacation rental for at least 2 years and until a new certification is issued. A vacation rental that was managed by the individual may continue to operate only if the licensee changes certified property managers in accordance with this section.

**Sec. XX-XX Fees.**

The Board of Supervisors will establish a schedule of fees for services provided under this section. Services subject to fees may include, but are not limited to, licensing, license renewal, monitoring, and enforcement. Fees may be changed from time to time by a resolution of the Board of Supervisors.

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