

## Chapter 19.48.2 SHORT-TERM RENTALS

Sections:

- 19.48.201 Title.**
- 19.48.202 Applicability.**
- 19.48.203 Purpose and findings.**
- 19.48.204 Definitions.**
- 19.48.205 Regulations- Generally.**
- 19.48.206 Additional regulations for Non-Hosted Short-Term Rentals.**
- 19.48.207 Exemptions.**
- 19.48.208 Prohibited.**
- 19.48.209 Agency representation.**
- 19.48.210 Application for Short-Term Rental Permit.**
- 19.48.211 Application fee.**
- 19.48.212 Appeals.**
- 19.48.213 Enforcement.**

### **19.48.201 Title.**

This chapter shall be referred to as the Short-Term Rental Ordinance.

### **19.48.202 Applicability.**

The provisions of this chapter apply only within the unincorporated area of Amador County. All requirements, regulations, and standards imposed by this section are intended to apply in addition to any other applicable requirements, regulations, and standards imposed elsewhere in this Code.

### **19.48.203 Purpose and findings.**

The purpose of this ordinance is to provide regulations for Short-Term Rentals and to provide a process for permitting Short Term Rentals. The intent is to regulate Short-Term Rentals in a manner that minimizes nuisance to neighboring residents without creating an undue burden on owners of Short Term Rentals. The County hereby finds as follows:

- A. Short-Term Rentals provide economic benefit to the County by encouraging tourism and allowing County property owners to generate additional income.
- B. Unregulated Short-Term Rentals present a threat to the public welfare and the peaceful enjoyment of property as well as an undue burden on police, fire, and other County resources.

### **19.48.204 Definitions.**

For purposes of this chapter, these words and phrases shall be defined as follows:

- A. "Short-Term Rental" means any structure, or any portion of any structure, which is occupied or designed for occupancy for dwelling, lodging or sleeping purposes and is rented for a period of 30 days or less.
- B. "Transient" means any person who exercises occupancy of a Short-Term Rental for less than thirty days by concession, permit, right of access, license, or other agreement.
- C. "Local Contact" means a local property manager, owner, or agent of the owner, who is available to respond to Transient or neighborhood questions or concerns, and is authorized by the owner to take remedial action and respond to any violation of this Chapter.

- D. "Hosted Short-Term Rental" means any Short-Term Rental where the Local Contact is present on the same or contiguous parcel at least 75 percent of the duration of the renter's occupancy.
- E. "Non-Hosted Short-Term Rental" means any Short-Term Rental where the Local Contact is present on the same or contiguous parcel less than 75 percent of the duration of the renter's occupancy.
- F. "Transient Occupancy Tax" means the taxes imposed under Chapter 3.16—Uniform Transient Occupancy Tax.

#### **19.48.205 Regulations- Generally.**

- A. Unless exempt, Short Term Rentals are prohibited in residential zones without a Short Term Rental permit. A permit is required for each Short Term Rental on a property. More than two Short Term Rentals on any single property shall also require a Use Permit under Chapter 19.56. For purposes of this section, a single property shall include contiguous parcels under the same ownership.
- B. After receipt of a complete Short-Term Rental permit application, staff shall issue the permit with the listed conditions. Any use that does not comply with the following conditions shall also require a Use Permit under Chapter 19.56.
  - 1. Total occupancy: The Short-Term Rental shall consist of five (5) or fewer bedrooms. The limit on Occupancy shall be based on total bedrooms. No more than two adult Transients are allowed per bedroom. No more than four total Transients (inclusive of children) allowed per bedroom.
  - 2. Events, commercial use, and food service: Weddings, receptions, parties, and any other events are prohibited. Commercial and public uses, including food service, are prohibited.
  - 3. Noise: Transients and their guests shall not create unreasonable noise or disturbances or engage in disorderly conduct, and shall not violate provisions of this Code or any State law pertaining to noise or disorderly conduct. Quiet hours shall be observed between 10:00 pm and 8:00 a.m.
  - 4. Fire and fireworks: Use of fire outdoors is prohibited at all times. Use of fireworks is prohibited. See Chapter 7.34--Fireworks Regulations.
  - 5. Traffic and parking: Traffic and parking must be consistent with the customary residential use of the property. Parking shall not encroach into the roadway or obstruct emergency lane access or travel. Parking shall be on a non-combustible surface (e.g., non-vegetative surface). Applicable parking rules for snow removal shall be observed. The failure to provide adequate parking, to utilize the provided parking, or to comply with the parking rules shall be considered a violation by the owner.
  - 6. Local Contact: During periods of occupancy, a Local Contact must be on site or able to respond to issues on site within 30 minutes. The Short Term Rental permit shall state whether the use is a Hosted Short Term Rental or a Non-Hosted Short Term Rental.
  - 7. Firearms: Transients and their guests shall not discharge firearms.
  - 8. Trash and refuse: The owner is responsible to ensure compliance with all the solid waste management provisions of Chapter 7.24—Solid Waste.

9. Transient Occupancy Tax: The owner shall maintain current Transient Occupancy Tax registration with the County and shall comply with Chapter 3.16 including payment of Transient Occupancy Taxes.
10. Safety: The following conditions apply prior to use of a Short-Term Rental, subject to inspection as defined within Chapter 15.30.
  - i. The street address shall be clearly visible.
  - ii. Functional smoke alarms shall be installed in every bedroom.
  - iii. Functional carbon monoxide alarms shall be installed on every floor.
  - iv. Landline phone service shall be installed.
  - v. Portable fire extinguisher(s) shall be provided in an accessible location, on every floor.
  - vi. Windows in bedrooms shall be operable and unobstructed for emergency egress.
  - vii. Extension cords shall not be used as permanent wiring for lights or appliances.
  - viii. Locations of applicable fire prevention mechanisms, exits, and evacuation routes shall be disclosed to every guest utilizing the Short-Term Rental.
  - ix. Evacuation protocols and emergency preparedness materials shall be disclosed to every guest utilizing the Short-Term Rental.
  - x. Full disclosure regarding whether the Short Term Rental is ADA compliant shall be provided in advertising. (ADA compliance is not required by this section.)
  - xi. Fireworks shall not be used on the property. Chapter 7.34.
11. Transient Occupancy Tax: The owner shall maintain current Transient Occupancy Tax registration with the County and shall comply with Chapter 3.16 (Uniform Transient Occupancy Tax) including payment of Transient Occupancy Taxes.

C. Advertising. The owner shall include all of the following information in any online advertisements and listings for the Short-Term Rental:

1. The Short-Term Rental Permit number.
2. Use Permit number, if applicable.
3. Number of bedrooms and maximum occupancy (no more than two adults per bedroom).
4. Notification that quiet hours must be observed between 10:00 pm and 8:00 am.
5. The Transient Occupancy Tax registration certificate number for that particular property.

D. Notification to Transients.

The Planning Department shall prepare a document titled "Amador County Short Term Rental Rules," which shall provide a simple set of rules for Transients based on the permit conditions set forth in subsection (B)(1)-(8) above. The Planning Department shall post this document on its website. Owners

who receive a staff-issued Short Term Rental permit shall incorporate the rules in their rental agreements and provide a copy to Transients prior to use.

Additionally, the owner shall prepare another document that contains information unique to the Short Term Rental and provide the document to their Transient guests. The document shall contain the following information:

1. The name and contact information for the Local Contact.
2. The hardline phone number if a hardline is required.
3. Safety evacuation routes and protocols in case of wildfire or other emergency.
4. Locations of fire extinguishers, emergency materials, other fire prevention mechanisms, and property exits.
5. The number and location of on-site parking spaces, any emergency access locations, and any parking rules for seasonal snow removal.
6. The trash pickup day (if available) and notification that trash and refuse shall not be left or stored on the exterior of the property except from 6:00 p.m. of the day prior to trash pickup until actual pickup.

E. Permit term.

The Short Term Rental permit, and any Use Permit obtained for reason of having two or more Short Term Rentals on a single property or for non-compliance with the conditions of subsection (B) above, shall expire with the transfer of ownership of the Short Term Rental.

**19.48.206 Additional regulations for Non-Hosted Short-Term Rentals.**

- A. The Local Contact shall be available during all times that the Short Term Rental is rented, and shall have access and authority to assume management of the property and to take any remedial measures. The Local Contact shall be able to abate a nuisance relating to noise, trash, or parking after being notified of a potential violation of this Chapter.
- B. The Local Contact is also responsible for the following:
  1. Ensuring that the Short-Term Rental complies with all posting and safety requirements;
  2. Providing the Transients with a written copy of the "Amador County Short Term Rental Rules" and the document containing the property information set forth in section 19.48.205(D). Additionally, both documents shall be posted prominently within the Short Term Rental.
  3. Being available by phone 24 hours a day in case of complaints and being available to respond on-site if necessary to resolve complaints.
- C. The Planning Department shall maintain a list of all Local Contacts (name and phone number) for Non-Hosted Short-Term Rentals on the Planning Department website. The list shall be searchable by Short-Term Rental address.

**19.48.207 Exemptions.**

This Chapter does not apply to:

- A. Approved bed and breakfast inns that are regulated under County Code Section 19.48.140.
- B. Approved recreational vehicle parks and campgrounds that are regulated under County Code Sections 19.24 and 19.56.
- C. Hotels, motels, and other approved lodging facilities that are appropriately zoned or otherwise operating under an approved use permit.
- D. Transitional, supportive, or special needs housing established under the California Health and Safety Code and defined under Sections 19.48.180 and 19.48.190.
- E. Property located within the jurisdiction of the Kirkwood Specific Plan.

**19.48.208 Prohibited.** The following are prohibited for Short-Term Rental unless exempt elsewhere in the County Code:

- F. Structures created or converted for human habitation without the appropriate building permits applicable at the time of construction or conversion.
- G. Temporary structures such as tents, yurts, and recreational vehicles.
- H. Structures not originally intended for human habitation or not otherwise converted with an approved building permit.
- I. Guest houses as regulated by County Code Section 19.48.070.
- J. Farm-labor camps and Farm-labor quarters.
- K. Structures or dwellings with County covenants or agreements restricting their use to affordable housing units, employee units, farmworker housing, or farm family units.
- L. Structures for which the County has recorded a Notice of Violation with the County Recorder, unless such notice has been expunged.

This Chapter is not intended to affect any existing private or public conditions, covenants, and restrictions that may prohibit the use of such property for Short-Term Rental purposes.

**19.48.209 Agency representation.**

An owner may retain an agent or representative to comply with the requirements of this Chapter, including without limitation, the filing of an application for a permit, the management of the Short-Term Rental, and the compliance with the conditions of the permit. The owner shall not be relieved from any personal responsibility or liability for noncompliance with any applicable law, rule, or regulation contained within the Amador County Code, regardless of whether such noncompliance was committed by the owner or whether the owner was made aware of such noncompliance. When construing and enforcing the provisions of this chapter, the act, omission, or failure of any agent, representative, or Local Contact acting for or employed by an owner, shall in every case be deemed the act, omission, or failure of the owner.

**19.48.210 Application for Short-Term Rental permit**

To apply for a Short-Term Rental permit, an applicant shall file an application with the Planning Department, pay the required fee, and provide the following information:

- A. The name, address, and telephone number of the owner.
- B. The name, address, and telephone number of the owner's agent or representative, if applicable.
- C. The name, address, and telephone number of the Local Contact.
- D. Whether the rental is a Hosted or Non-Hosted Short Term Rental.
- E. The number of bedrooms and approximate habitable square footage in the Short-Term Rental.
- F. A diagram or photograph of the premises showing the number and location of designated on-site parking spaces.
- G. A certification of the accuracy of the information submitted and an acknowledgment that the owner, agent, and Local Contact have read all regulations of this Chapter and will comply with those regulations.
- H. Acknowledgment that the owner, agent, or Local Contact has or will post the information required by Section 19.48.205(D) in a conspicuous location within the Short Term Rental.
- I. Description of the method of garbage collection and disposal.
- J. Consent that the property may be inspected for compliance with this Chapter prior to issuance of a permit and that the owner will grant access to the property for such inspection.
- K. Such other information as the County deems reasonably necessary to administer this chapter.

The Planning Department shall hold the application for ten days after it is received and accepted as complete, and shall upon receipt of a complete application mail out a notice describing the proposed Short-Term Rental to all owners of property, as shown on the most recent available tax roll, within a distance of three hundred feet in all directions from the subject parcel. If the Short-Term Rental is on a private road, then notice shall also be provided to all residents of the private road. If the Planning Department receives opposition to the permit application within ten days after the mailout, or if the permit is considered by the Planning Director to be an activity which is not clearly consistent with customary residential use, the Planning Director may deny the permit. The applicant or any interested person may appeal the Planning Director's decision pursuant to Chapter [19.64](#) of this title within ten days after the determination on the permit application.

#### **19.48.211 Application fee.**

An application for a Short-Term Rental Permit shall be accompanied by a non-refundable fee established by resolution of the Board of Supervisors; provided the fee sufficiently defers the cost incurred by the County in administering the provisions of this Chapter.

#### **19.48.212 Appeals**

Appeals from the denial or issuance of a Short Term Rental permit application shall adhere to the processes set forth in Chapter 19.64.

#### **19.48.213 Enforcement.**

Enforcement of the provisions of this Chapter shall follow the procedures of Chapter 2.06. Nothing in Chapter 19.48.2 restricts the right of the County to abate a public nuisance. Additionally, the Planning Department may revoke a Short Term Rental permit for non-compliance with the permit conditions after providing the owner notice and an opportunity to be heard.

