

**An Ordinance Amending Chapter 28A
of the South Lake Tahoe City Code
Vacation Home Rentals**

Chapter 28A is hereby amended to add new definitions, amend existing definitions, and add a new Article XIII, Section 28A-68 through 28A-83, as follows:

§ 28A-3. Definitions.

For purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

“Local contact person” means a local property manager, owner or agent of the owner, who is available to respond to tenant and neighborhood questions or concerns, or any agent of the owner authorized by owner to take remedial action and respond to any violation of this ordinance.

“Managing agency or agent” means a person, firm or agency representing the owner of the vacation home rental, or a person, firm or agency owning the vacation home rental.

“Operator” means the person who is proprietor of a transient lodging facility, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee or any capacity. Where the operator performs his functions through a managing agent of any type of character, other than an employee, or where the operator performs his functions through a rental agent, the managing agent or the rental agent shall have the same duties as his principal. Compliance with the provisions of this chapter by either the principal or the managing agent or the rental agent shall be considered to be in compliance by both.

“Owner” means the person or entity that holds legal and/or equitable title to the private property.

“Person” means an individual, a group of individuals, or an association, firm, partnership, corporation or other entity, public or private.

“Person responsible for event” means the owner of the property where the large party, gathering or event takes place, the person in charge of the premises and/or the person who organized the event. If the person responsible for the event is a minor, then

the parents or guardian of minor will be jointly and severally liable for the fines imposed for the special security assignment.

“Rent” means the consideration charged, whether or not received, for the occupancy of space in a transient lodging facility including vacation home rentals, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

“Remuneration” means compensation, money, rent, or other consideration given in return for occupancy, possession or use of real property.

“Transient” means any person who exercises occupancy or possession or is entitled to occupancy or possession by reason of any rental agreement, concession, permit, right of access, license, time-sharing arrangement, or any other type of agreement for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. Rental of housekeeping units through contract agreements for periods which exceed the 30 consecutive-day provision shall not be exempt except where the same person or persons occupy the unit for a period which exceeds said 30 consecutive-day period.

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

Article XIII

Vacation Home Rentals

§ 28A-68. Purpose of article.

The City Council of the City of South Lake Tahoe finds and declares as follows:

A. Vacation home rentals provide a community benefit by expanding the number and type of lodging facilities available and assist owners of vacation home rentals by providing revenue which may be used for maintenance upgrades and deferred costs.

B. City staff has responded to numerous complaints involving excessive noise, disorderly conduct, vandalism, overcrowding, traffic, congestion, illegal vehicle parking and accumulation of refuse at vacation home rentals which require response from police, fire, paramedic and other city personnel.

C. The transitory nature of occupants of vacation homes makes continued enforcement against the occupants difficult.

D. The provisions of this chapter are necessary to prevent the continued burden on city services and impacts on residential neighborhoods posed by vacation home rentals.

§ 28A-69. Vacation home rental permit requirements.

No owner of a vacation home rental shall rent that unit for 30 consecutive calendar days or less without a valid vacation home rental permit for that unit issued pursuant to this chapter.

§28A-70. Agency.

An owner may retain an agent, representative or local contact person to comply with the requirements of this chapter, including, without limitation, the filing of an application for a permit, the management of the vacation home rental and the compliance with the conditions of the permit. The permit shall be issued only to the owner of the vacation home rental. The owner of the vacation home rental is responsible for compliance with the provisions of this chapter and the failure of an agent, representative, or local contact person to comply with this chapter shall be deemed non-compliance by the owner.

§ 28A-71. Application for vacation home rental permit.

An application for a permit shall be filed with the finance director or designee prior to use of the property as a vacation home rental. Permit Applications for properties presently used as vacation home rentals shall be filed within 90 days of the effective date of this ordinance upon forms provided by the city and shall contain the following information:

A. The name, address and telephone number of the owner of the vacation home rental for which the permit is be issued.

B. The name, address and telephone number of the agent, representative or local contact person for the owner of the vacation home rental.

C. The number of bedrooms and approximate square footage in the vacation home rental, and the maximum number of overnight occupants.

D. Acknowledgement that all designated bedrooms meet all local building and safety code requirements.

E. A diagram and/or photograph of the premises showing and indicating the number and location of designated on-site parking spaces, and the maximum number of vehicles allowed for overnight occupants.

F. Evidence of a valid business license issued by the city for the separate business of operating vacation home rental. No owner renting a single-family dwelling shall be required to obtain a business license or pay a business and professions tax, pursuant to SLTCC Chapter 15, Section 15-8E.

G. Evidence of a valid transient occupancy tax registration certificate issued by the city for the vacation home rental.

H. Acknowledgement that the owner, agent and local contact person have read all regulations pertaining to the operation of a vacation home rental.

I. Certification of the accuracy of the information submitted and agreement to comply with all conditions of the permit.

J. Acknowledgment that the owner, agent, or local contact person has or will post the vacation home rental with the notice required in Section 28A-74.

K. Such other information as the finance director or designee deems reasonably necessary to administer this chapter.

§ 28A-72. Application fee.

An application for a vacation home rental permit shall be accompanied by an initial fee established by resolution of the city council, provided, however, the fee shall be no greater than necessary to defer the cost incurred by the city in administering the provisions of this chapter. An annual renewal fee will be established by resolution of the

city council and shall be no greater than necessary to defer the cost incurred by the city in administering the provisions of this chapter. Upon change of ownership or change of material fact a new application for vacation home rental permit shall be submitted, accompanied by a fee to be established by resolution of the city council and shall be no greater than necessary to defer the cost incurred by the city in administering the provisions of this chapter.

§28A-73. Permit conditions.

A. All permits issued pursuant to this chapter are subject to the following standard conditions:

1. The owner shall by written agreement, limit overnight occupancy of the vacation home rental to the specific number of occupants designated in the permit; with the number of overnight occupants not to exceed 2 persons per bedroom meeting building code requirements, plus 4 additional persons per residence.

2. The owner shall by written agreement, limit the number of vehicles of overnight occupants to the number designated in the permit; with the number of vehicles of overnight occupants not to exceed the number of designated on-site parking spaces.

3. The owner shall use best efforts to assure that the occupants and/or guests of the vacation home rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any State law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding vacation home rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner, local agent or contact person act as a peace officer or place himself or herself in harm's way.

4. The owner shall, upon notification that occupants and/or guests of his or her vacation home rental have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this code or State law pertaining to noise, or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.

5. The owner of the vacation home rental shall use best efforts to achieve compliance with all the provisions of Chapter 23, Article I through V SLTCC (Refuse and Garbage).

6. The owner of the vacation home rental shall use best efforts to achieve compliance with all the provisions of Chapter 16, Article V and VII SLTCC (Stopping, Standing and Parking, Parking during Snow Conditions).

7. The owner of the vacation home rental shall post a copy of the permit and a copy of the conditions set forth in this section in a conspicuous place within the vacation home rental.

B. The city council at a duly noticed meeting shall have the authority to impose additional standard conditions, applicable to vacation home rentals, as necessary to achieve the objectives of this chapter.

C. The city manager or designee shall have the authority to impose additional conditions on any permit in the event of any violation of the conditions to the permit or the provisions of this chapter subject to compliance with the procedures set forth in Section-23A-79.

§28A-74. Sign and notification requirements.

Each vacation home rental shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:

A. The name of the managing agency, agent, property manager, local contact or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis;

B. The maximum number of occupants permitted to stay in the unit;

C. The maximum number of vehicles allowed to be parked on the property;

D. The number and location of on-site parking spaces and the parking rules for seasonal snow removal;

E. The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property except from 6:00 p.m. of the day prior to trash pick-up to 6:00 p.m. on the day designated for trash pick-up;

F. Notification that an occupant as a person responsible for an event, may be cited and fined for creating a disturbance or for violating other provisions of this ordinance; and

G. Notification that failure to conform to the parking and occupancy, requirements of the structure is a violation of this ordinance.

§28A-75. Parking.

All permissible uses shall comply with the City of South Lake Tahoe parking, driveway and loading standards, and seasonal snow removal regulations. (City Code §26-38 through §26-49. Owner shall provide sufficient parking to meet city on-site parking requirements, including the garage when necessary. All overnight occupant parking shall be on site or immediately in front of the vacation home rental.

§28A-76. Noise.

All residential vacation home rentals shall comply with the standards set forth in SLTCC Chapter 18 Section 18-10.1 et seq., which reads as follows:

§18-10.1. Offensive noise prohibited.

It shall be unlawful for any person on residential property or a public way to make or continue, or cause to be made or continued, any offensive, excessive, unnecessary, or unusually loud noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others on residential property or public ways within the city. (Ord. 762 §1)

All vacation home rentals shall operate in compliance with SLTCC Chapter 17, Section 17-3 Nuisances affecting peace and safety.

§28A-77. Local contact person.

Each owner of a vacation home rental shall designate a local person or property manager/agent as a local contact person who has access and authority to assume management of the unit and take remedial measures. An owner of a vacation home

rental who resides at the South Shore of Lake Tahoe may designate himself/herself as the local contact person.

§28A-78. Violation and penalties.

A. The following conduct shall constitute a violation for which the penalties specified in subsection (B) may be imposed, or the permit suspended or revoked:

1. The owner has failed to comply with the standard conditions specified in SLTCC Section 28A-73 (A); or

2. The owner has failed to comply with additional conditions imposed by the city manager pursuant to the provisions of SLTCC Section 28A-73 (C); or

3. The owner has violated the provisions of this chapter.

4. The owner has failed to pay transient occupancy tax as required by Chapter 28A, Article II of this code.

B. The penalties for violations specified in subsection (A) shall be as follows:

1. For the first violation within any 12 month period, the penalty shall be a warning notice of violation;

2. For a second violation within any 12 month period, the penalty shall be a fine not to exceed \$250.00.

3. For a third violation within any 12 month period, the penalty shall be a fine not to exceed \$500.00;

4. For a fourth violation within any 12 month period, the penalty shall be a fine not to exceed \$1,000.00 and/or suspension of the permit; and

5. For a fifth violation within any 12 month period, the permit may be revoked in accordance with the provisions of Section 28A-79 of this code. An owner may petition the hearing officer for reinstatement no sooner than 12 months after revocation.

§28A-79. Procedure for imposition of penalties/revocation.

Penalties, including a notice of violation, shall be imposed, and permits shall be revoked, only in the manner provided in this section.

A. The finance director or designee shall conduct an investigation whenever there is reason to believe that an owner has failed to comply with the provisions of this chapter. Should the investigation reveal substantial evidence to support a finding that a violation occurred, the finance director or designee shall issue written notice of the violation and intention to impose a penalty and/or revoke the permit. The written notice shall be served on the owner and operator or agent and shall specify the facts which in the opinion of the finance director, constitute substantial evidence to establish grounds for imposition of the penalties and/or revocation, and specify that the penalties will be imposed and/or that the permit will be revoked within 15 days from the date the notice is given unless the owner and/or operator files with the city clerk the fine amount and a request for a hearing before the city manager.

B. If the owner requests a hearing within the time specified in subsection (A), the city clerk shall serve written notice on the owner and operator, by mail, of the date, time and place for the hearing which shall be scheduled not less than 15 days, nor more than 45 days of receipt of request for a hearing. The city manager may preside over the hearing or may designate a hearing officer to take evidence and submit proposed findings and recommendations to the city manager. The city manager shall impose the penalties or revoke the permit only upon a finding that a violation has been proven by a preponderance of the evidence, and that the penalty or revocation is consistent with the provision of SLTCC Section 28A-78(B). The hearing shall be conducted according to the rules normally applicable to administrative hearings. The city manager shall render a decision within 30 days of the hearing and the decision shall be appealable to the city council pursuant to SLTCC Section 2-88A.

§28A-80. Permits and fees not exclusive.

Permits and fees required by this chapter shall be in addition to any license, permit or fee required under any other chapter of this code. The issuance of any permit pursuant to this chapter shall not relieve the owner of the obligation to comply with all other provisions of this code pertaining to the use and occupancy of the vacation home rental or the property on which it is located.

§28A-81. Penalty.

Any person violating the provisions of this chapter by operating a vacation home rental without a valid permit shall be guilty of a misdemeanor resulting in imposition of a fine of \$500.00 for a first violation and a fine of \$1,000.00 for a second violation. Additional penalties will be assessed for failure to pay transient occupancy tax pursuant to Section 28A-20.

§28A-82. Enforcement of chapter.

The chief of police or designee is hereby authorized and directed to establish such rules and regulations as may from time-to-time be required to carry out the purpose and intent of this chapter. Substantive changes to this ordinance can only be made by the City Council.

§28A-83. Private actions to enforce.

Any person who has suffered, or alleges to have suffered, damage to person or property because of a violation of this chapter may bring an action for money damages and any other appropriate relief in a court of competent jurisdiction against the party alleged to have violated this chapter. The prevailing party in any such litigation shall be entitled to recover reasonable litigation costs, including attorney's fees in an amount deemed reasonable by the court.

Nothing herein shall be deemed or construed to create any right of action against the city or any of its officers, employees, or agents. The sole purpose and intent of this section is to create a right of action between private parties, entities and interests, which are or may be impacted or affected by various aspects of vacation home rentals within the city.

§28A-84. Ordinance evaluation.

This ordinance will be evaluated nine (9) months after its adoption, or as soon as practicable thereafter.