

CITY OF SOUTH LAKE TAHOE

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SOUTH LAKE TAHOE CITY COUNCIL AMENDING CITY CODE CHAPTER 28A-TRANSIENT LODGING, ARTICLE XIII – VACATION HOME RENTALS, SECTIONS 28A-71, 28A-78, AND 28A-79

The City Council of the City of South Lake Tahoe does hereby ordain as follows:

**Section 1. Enactment.** Chapter 28A-Transient Lodging, Article III-Vacation Home Rentals, of the South Lake Tahoe City Code is hereby amended as designated in **Exhibit “A”** attached hereto and incorporated herein by reference.

**Section 2. Conflicting Ordinances Repealed.** All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 3. Summary Publication.** Pursuant to Government Code §36933(c)(1), a summary of said ordinance was published at least five (5) days prior to its final adoption as required by law, and a certified copy of the full text of the proposed ordinance was posted in the Office of the City Clerk. Within fifteen (15) days after adoption, a summary of said ordinance with the names of those City Councilmembers voting for and against shall be published as required by law, and a certified copy of the full text of the ordinance shall be posted in the Office of the City Clerk.

**Section 4. Effective Date.** This ordinance shall take effect thirty (30) days after its adoption.

**FIRST READING:** June 21, 2011

**SECOND READING:** July 12, 2011

**PASSED AND ADOPTED** by the City Council of the City of South Lake Tahoe at a regular meeting held on July 12, 2011, by the following vote:

AYES: Councilmembers \_\_\_\_\_

NOES: Councilmembers \_\_\_\_\_

ABSENT: Councilmembers \_\_\_\_\_

ABSTAIN: Councilmembers \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Hal Cole, Mayor

\_\_\_\_\_  
Susan Alessi, City Clerk (City Seal)

## Article XIII. Vacation Home Rentals

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### **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. (Ord. 928; Ord. 990 § 1)

### **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.

Vehicles used and traffic generated by the vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full-time resident in a residential neighborhood. For purposes of this section, "normal residential traffic volume" means up to 10 trips per day. (Ord. 928; Ord. 990 § 1)

#### **28A-70 Agency.**

An owner may retain an agent, who must maintain a current business license in the city of South Lake Tahoe, local 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 noncompliance by the owner. (Ord. 928; Ord. 990 § 1)

#### **28A-71 Application for vacation home rental permit.**

An application for a permit shall be filed with the Chief of Police 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 ninety (90) days of the effective date of the ordinance codified in this article, upon forms provided by the city, and shall contain the following information (which is subject to verification by the city):

A. The name, physical address, mailing address, and telephone number of the owner of the vacation home rental for which the permit is to 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. Whether or not the property has a hot tub or spa located on the premises.

G. Evidence of a valid business license issued by the city for the separate business of operating a 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 15-8(E). Multifamily dwellings are required to have a business license pursuant to SLTCC 15-4.

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

I. Acknowledgment that the owner, agent and local contact person have read all regulations pertaining to the operation of a vacation home rental and acknowledgement of their responsibility to assist in enforcement for payment of transient occupancy taxes.

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

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

L. Acknowledgment that the owner, agent or local contact person has read the South Lake Tahoe false alarm ordinance, SLTCC 21B-15 through 21B-34.

M. Such other information as the finance director or designee deems reasonably necessary to administer this chapter. (Ord. 928; Ord. 936 § 1; Ord. 990 § 1)

#### **28A-71.1 Conditional use permit for vacation homes adjacent to or within commercial zones.**

A vacation home adjacent to or within a commercial zone in the city may apply for a conditional use permit approving such use with different restrictions than those established for vacation homes located entirely within residential areas. The conditional use permit process may be used to obtain approval for greater occupancy and parking and different design and sign requirements when supported by the location and size of the property upon which the vacation home rental is located. (Ord. 990 § 1)

#### **28A-71.2 Design requirements for vacation homes adjacent to or within commercial zones.**

The architectural design of all buildings and structures, including the signing and materials and colors used, shall be compatible and visually harmonious with surrounding development pursuant to SLTCC 5-20 in addition to any applicable community plan design standards. (Ord. 990 § 1)

#### **28A-71.3 Sign requirements for vacation homes adjacent to or within commercial zones.**

Signing for the entire project shall be developed according to an approved sign plan in compliance with Chapter 25 SLTCC. All signs shall be installed in compliance with the building and electrical codes as required by the city building division. (Ord. 990 § 1)

#### **28A-71.4 Parking requirements for vacation homes adjacent to or within commercial zones.**

Parking for the vacation home adjacent to or within a commercial zone shall be determined based upon the size of the parcel, the square footage of the building(s), configuration of the parcel, existing parking available on-site, and any other factors specific to an individual parcel. All parking shall occur in the garage, driveway, on-site, and/or on the street frontage of the site. The use of the vacation rental shall not limit the availability of the garage for guest vehicle parking. (Ord. 990 § 1)

#### **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. (Ord. 928; Ord. 936 § 1; Ord. 990 § 1)

### **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 two persons per bedroom meeting building code requirements, plus four additional persons per residence. A studio shall be limited to a maximum of four persons.

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. Each parking spot must be at least nine feet wide and 19 feet long.

3. The owner shall, by written agreement, notify the vacation home occupants that their rented use of the private residence precludes its use for commercial activities, including, but not limited to, weddings, receptions and large parties.

4. The owner shall use best efforts to ensure 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.

5. 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.

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

7. The owner of the vacation home rental shall use best efforts to achieve compliance with all the provisions of Chapter 16 SLTCC, Articles V and VII (Stopping, Standing and Parking; Parking During Snow Conditions). Snow conditions are enforced by the police department against the owner of the offending vehicle.

8. 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.

9. Internet marketing must publish the permit number on any website advertising.

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 SLTCC 28A-79. (Ord. 928; Ord. 936 § 1; Ord. 990 § 1; Ord. 991 § 1)

#### **28A-74 Sign and notification requirements.**

1. Each vacation home rental shall have a clearly visible and legible interior notice posted on the inside of 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 overnight in the unit;

C. The maximum number of vehicles allowed to be parked on-site;

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. If there are continued problems, an animal/bear-proof container will be required pursuant to SLTCC 23-12;

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

G. Notification that failure to conform to the parking and occupancy limits of the vacation home rental is a violation of this article.

2. Each vacation home rental, other than condominiums, shall, by November 1, 2008, have a clearly visible and legible exterior sign, not to exceed 12 inches by 12 inches, posted in a location which is clearly visible from the street, containing the following information:

A. The maximum number of occupants permitted to stay overnight in the unit.

B. The maximum number of vehicles allowed to be parked on-site.

C. The telephone number of the police department vacation home rental hotline, and the police department's e-mail address.

D. This section (SLTCC 28A-74).

The vacation property management rental phone number shall not be included on the exterior sign. (Ord. 928; Ord. 990 § 1; Ord. 994 § 1)

#### **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 (SLTCC 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 and shall comply with SLTCC 5-45. (Ord. 928; Ord. 990 § 1)

##### **28A-75.1 Permit parking.**

A parking permit program may be established by the city in specific areas to address areas with repeated parking problems. Any permits must be prominently displayed, as

directed by the city, on any vehicle parked on any city street or in any off-street parking areas with posted restrictions requiring such permit. Such parking permit does not guarantee a parking space, does not authorize parking for more than 72 consecutive hours in any one location and does not exempt the permit holder from observing zones where parking is prohibited at all or specific times for safety reasons or for reasons other than those related to the parking permit, including but not limited to permanent or temporary no parking zones, loading zones, fire zones, and disabled parking areas. (Ord. 990 § 1)

#### **28A-76 Noise.**

All residential vacation home rentals shall comply with the standards set forth in SLTCC 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.

All vacation home rentals shall operate in compliance with SLTCC 17-3, Nuisances affecting peace and safety. (Ord. 928; Ord. 990 § 1)

#### **28A-77 Local contact person.**

Each owner of a vacation home rental shall designate a local person within a 30-mile radius or licensed property manager/agent as a local contact person who has access and authority to assume management of the unit and take remedial measures. The local contact person or local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. 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. Any change in the local contact person's address or telephone number shall be promptly furnished to the city vacation rental permit technician and their local contact person. (Ord. 928; Ord. 990 § 1)

#### **28A-78 Violation and penalties.**

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

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

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

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

4. The owner has failed to pay the transient occupancy tax as required by Article III of this chapter;

5. Failure to pay any fine assessed pursuant to this chapter within fifteen (15) business days of notification of the assessment of the fine; or

6. Failure to accurately advertise the number of bedrooms and parking spots, the number of allowable occupants and the number of allowable parking spots, and the permit number.

B. The penalties for violations specified in subsection (A) of this section 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, and/or suspension of the permit for a period not to exceed one year;

4. For a fourth violation within any 12-month period, the penalty shall be a fine not to exceed \$1,000 and/or revocation of the permit in accordance with the provisions of SLTCC 28A-79. An owner may petition the hearing officer for reinstatement no sooner than 12 months after revocation;

5. For a second trash violation, a requirement to install an animal-proof trash enclosure. (Ord. 928; Ord. 990 § 1; Ord. 991 § 1)

#### **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 Chief of Police 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 Chief of Police 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 Chief of Police, 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 fifteen (15) business 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) of this section, 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 fifteen (15) business days, nor more than forty-five (45) business 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 provisions of SLTCC 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 thirty (30) business days of the hearing and the decision shall be appealable to the city council pursuant to SLTCC 2-88A. (Ord. 928; Ord. 936 § 1; Ord. 990 § 1)

#### **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. The owner may be charged for excessive permit changes and late renewals. (Ord. 928; Ord. 990 § 1)

**28A-81 Penalties for failure to register, failure to file returns, or filing false return or report.**

A. Any operator or other person who fails or refuses to register as required herein, or to file any return required to be made, or who fails or refuses to file a supplemental return or other data required by the tax administrator, or who renders a false or fraudulent return, is guilty of a misdemeanor, and is subject to the fines set forth in SLTCC 28A-78. Any person required to make, render, sign or verify any report who makes any false or fraudulent report with intent to defeat or evade the determination of any amount due required by this chapter to be made is guilty of a misdemeanor. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punishable by a fine of not more than \$1,000.

B. Any operator or other person who fails to register as required herein, in addition to the penalties in subsection (A) of this section, shall obtain the following:

1. Fire inspection;
2. Building inspection or home inspection, as directed by the building official;
3. Animal-proof trash enclosure(s);

and show proof of having passed the inspections and having placed the animal-proof trash enclosure(s) at the vacation home rental prior to being issued a vacation home rental permit. (Ord. 928; Ord. 990 § 1; Ord. 991 § 1)

**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 article can only be made by the city council. (Ord. 928; Ord. 990 § 1)

**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. (Ord. 928; Ord. 990 § 1)

**28A-84 Ordinance evaluation.**

The ordinance codified in this article will be evaluated nine months after its adoption, or as soon as practicable thereafter. (Ord. 928; Ord. 990 § 1)

The ordinance codified in this article will be evaluated nine months after its adoption, or as soon as practicable thereafter. (Ord. 928; Ord. 990 § 1)

**LEGAL PUBLICATION SUMMARY OF PROPOSED ORDINANCE  
AMENDING CITY CODE CHAPTER 28A – TRANSIENT LODGING, ARTICLE XIII,  
VACATION HOME RENTALS, SECTIONS 28A-71, 28A-78 AND 28A-79**

NOTICE IS HEREBY GIVEN that on June 21, 2011, the City of South Lake Tahoe City Council waived first reading (and read by title only) and referred to second reading and adoption at the July 12, 2011 City Council meeting the above-referenced ordinance. The following summary has been prepared by the City Attorney, as follows:

Purpose of Amendment

This ordinance amends Chapter 28A and makes the following changes.

1. Consolidate the operational management of the program under the Chief of Police. The administration and collection of the Transient Occupancy Tax portion of the program will remain with the Finance Director.
2. Describe all time periods in term of "business" days.

A copy of said proposed ordinance is available in its entirety for review in the City Clerk's Office located at 1901 Airport Rd, South Lake Tahoe, California or via the June 21, 2011 City Council agenda packet (Agenda Item Unfinished Business a) available on City's website at [www.cityofslt.us](http://www.cityofslt.us).

SUSAN ALESSI, CITY CLERK  
CITY OF SOUTH LAKE TAHOE  
1901 AIRPORT ROAD  
SOUTH LAKE TAHOE, CA 96150  
(530) 542-6004

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NOTE TO TAHOE DAILY TRIBUNE ONLY: PLEASE PUBLISH ONE TIME ON FRIDAY, JUNE 30, 2011 . THANK YOU.