

PROPOSED SHORT TERM RENTAL ORDINANCE

The Tulare County Board of Supervisors will hold a Public Hearing with regards to the planned text amendment to Ordinance 352, the Tulare County Zoning Ordinance, to add Chapter 16.7 regarding Short Term Rentals.

**Tuesday, November 19, 2019 at 9:00 AM
Tulare County
Board of Supervisors Chambers
2800 West Burrel Avenue
Visalia, CA 93291**

To view the draft ordinance or for additional information please visit the Tulare County Resource Management Agency Website

**[https://tularecounty.ca.gov/rma/index.cfm/rma-documents/
planning-documents/draft-srt-zone-ordinance/](https://tularecounty.ca.gov/rma/index.cfm/rma-documents/planning-documents/draft-srt-zone-ordinance/)**

Or Contact Chuck Przybylski at (559) 624-7000



Draft SECTION 16.7 – SHORT TERM RENTALS

(Added by Ord. No. XXXX, effective XX-XX-2019)

- A. Findings.** The Board of Supervisors, in adopting this section, takes legislative notice of the existence and content of the studies and opinions concerning potential adverse effects of Short Term Rentals in other counties and cities. The County of Tulare has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, and preserving the peace and integrity of neighborhoods within the unincorporated area.

The County's geography, climate, and proximity to Sequoia & Kings National Parks and the Sequoia National Forest is a major attraction for visitors. As such, vacation rentals have existed in Tulare County for many years. However, vacation rentals have greatly expanded due to the abundance and ease of the internet and online rental sites.

The unregulated proliferation of short term rentals can adversely affect the health, safety, and well-being of the County and its residents. Such adverse effects include, but are not limited to: increased traffic, noise and light pollution; issues of parking and fire safety; trespassing on adjacent properties; exceeding septic system design capacity and water consumption; and a negative effect on the general quality of life for impacted neighborhoods.

The adoption of this section is necessary and desirable to protect the public health, safety and environmental resources of the County; to ensure the property rights of land owners are maintained; to clarify the County's enforcement authority with respect to certain activities related to short term rentals; and to otherwise ensure that public peace, health, safety, welfare, environmental, and nuisance factors related to the short term rental industry are adequately addressed.

- B. Purpose.** The intent of this Section is to establish reasonable and uniform regulations for the use of privately owned residential dwellings as short-term rentals to minimize the potential for negative secondary effects on surrounding properties and to ensure the health and safety of occupants, guests, and the surrounding residential neighborhood.
- C. Applicability.** The standards and permit procedures of this Section apply to all persons involved, as set forth herein, in the short-term rental of single-family residential dwelling units or portions thereof where allowed in compliance with the Tulare County General Plan and Tulare County Zoning Ordinance. "Short-term" means less than 30 days. This ordinance applies to all zones where single-family residential units are allowed. The use permit for the rental unit shall run with the owner and not the land, and shall

terminate upon change of ownership. This Section is applicable to a maximum of two short term rental units per individual lot or parcel. Operations that include three or more rental units, if allowed, require a full special use permit approved by the Planning Commission.

D. Definitions. The definitions in this Section are intended to apply to this Section only. Any term, which is not specifically defined herein, shall have the definition as provided within the County Zoning Code, and/ or otherwise defined in the Tulare County Ordinance Code.

1. *ADJACENT PROPERTY OWNER.* The owner of property that is located adjacent or within five hundred (500) feet of the short-term residential rental unit.
2. *RESPONSIBLE DEPARTMENT.* The Resource Management Agency is responsible to implement this Section.
3. *SHORT-TERM RESIDENTIAL RENTAL OWNER.* The property owner of a residential rental unit; any individual or organization working on behalf of such property owner; or any individual or organization that has the legal right to rent to others a residential dwelling unit as a short-term residential rental unit.
4. *SHORT-TERM RESIDENTIAL RENTER ("RENTER").* An individual or organization who enters into an agreement with a short-term residential rental owner for the use of property as a short-term residential rental unit. Such renter is not considered a tenant or a person who hires a dwelling unit pursuant to California Civil Code § 1940.
5. *SHORT-TERM RESIDENTIAL RENTAL UNIT.* A residential dwelling unit, or portion thereof, rented or otherwise used for transient occupancy, as residential accommodations for a duration of less than thirty (30) consecutive days. Residential dwelling units include single family houses, condominiums, cabins or similar facility. Residential dwelling units do not include tents, tipis, recreational vehicles, travel trailers or commercial units.
6. *DAY USE GUEST ("GUEST").* Guests of the person(s) renting the short-term residential rental unit. Day use guests are only allowed on the premises between the hours of 8 a.m. and 10 p.m.
7. *OPERATOR(S).* An owner, or agent/property manager of the owner, who manages a short-term rental.

8. **QUIET TIME.** Between the hours of 10 p.m. and 8 a.m. all short-term residential rental occupants must adhere to the Quiet Time restrictions as described in Subsection F.9 below.
9. **BEDROOM.** A bedroom is a room, used for sleeping purposes, that a conventional bed will fit in with either a closet or space for a closet or wardrobe and also has a window and/or door which provides an emergency exit, natural light and ventilation. The Chief Building Official shall make the final determination whether a room is considered a bedroom.

E. Application Process. All short-term residential rental units require an approved administrative special use permit issued by the Resource Management Agency. Every single short-term residential rental unit requires its own individually approved administrative special use permit. The information needed to complete the application process may be revised from time to time, but at a minimum shall require the following:

- (a) Submission to the Resource Management Agency, a completed application for an administrative special use permit for a short-term residential rental unit, with site plan and applicable fees paid.
- (b) Property owner name and contact information.
- (c) Applicant name and contact information, if different from the property owner.
- (d) Address and assessor parcel number (APN) for the property containing the short-term residential rental unit.
- (e) Number and square footage of bedrooms to be used for overnight sleeping purposes.
- (f) The name of the managing agency, agent, or property manager, if different from the property owner, and a telephone number at which that party may be immediately reached on a 24-hour basis; and
- (g) The property owner and applicant acknowledge that they have read and understand this Section.

E. Occupancy Standards.

1. At the time of issuance of a short-term residential rental special use permit, and thereafter, the short-term residential rental unit shall comply with the California Fire Code, California Building Code, the National Fire Protection Association Standards or regulations, and any other applicable uniform codes, as adopted by the County of Tulare

County and other applicable laws and codes. Permitted existing residential units are considered grandfathered and are required to comply with the construction standards at the time of building permit issuance.

2. Occupancy limits per short-term residential rental units shall be determined as follows:
 - (a) The maximum overnight occupancy of the short-term residential rental unit shall be limited to a specific number of occupants, with the maximum number of occupants as no more than two (2) persons per rental unit plus an additional two (2) persons per bedroom and a maximum of twelve (12) persons total, except that two (2) minor children, age 12 or under, may be allowed in addition to the maximum number of overnight occupants otherwise allowed in the Subsection.
 - (b) The maximum number of additional day use "guest" occupants is six (6) persons. Guests of the renters are only allowed on the premises between the hours of 8 a.m. and 10 p.m.
 - (c) The total occupancy for the short-term rental unit, overnight and day use guests, may be further limited by the available on-site parking spaces requirements as defined in Subsection F.8.

F. General Requirements. The following are minimal requirements for short-term residential rental units. These are in addition to any other applicable requirements of this Section, other applicable provisions of the County Ordinance Code, or other law.

1. The owner shall ensure that the short-term residential rental unit is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of a short-term rental.
2. The rental period shall be a minimum of accommodations for one night.
3. A short-term residential unit shall not change the residential character of the neighborhood.
4. Outdoor signs shall be no larger than 24" x 24" and are limited to the property management company's name and phone number. All other advertising signs are prohibited on all property being used as a short-term residential unit.
5. Street address must be clearly seen from the road and meet the requirements of the Fire Department.

6. Use of a short-term residential rental unit for any other purpose than dwelling, lodging, or sleeping is prohibited unless a separate special use permit is approved by Tulare County. Such prohibited uses include, but are not limited, to weddings, receptions, meetings, conferences, parties, commercial filming, or any other similar uses.
7. Parking for the short-term residential rental unit shall be entirely on-site, such as garage, carport, driveway, or otherwise off the public roadway and may allow for tandem parking. There shall be no parking on unimproved surfaces. The location and dimensions of designated parking spaces shall be shown on the site plan and conform to Tulare County Improvement Standards including; all weather surface and dust suppression. On-site parking areas shall be kept free from any obstructions that would prevent use for parking vehicles.
8. Parking shall be provided on-site at a ratio of not less than one parking space for every four occupants and guests. On-street parking by renters and guests is prohibited and shall not be included in determining the maximum occupancy of the site. The operator shall ensure that the parking limitations are included in short-term rental agreements. Pursuant to Subdivision H, violations of the parking requirements of this Section may result in vehicles being towed without notice.
9. Renter(s) shall observe "*quiet hours*" between 10 p.m. and 8 a.m. In addition, and regardless of the time of day, renters and guests shall not make, cause to be made, or allow to be made any loud, excessive, impulsive, or intrusive noise that disturbs the peace or quiet to any reasonable person of normal sensitivities in the area. Such types of noises or actions causing noises include, but are not limited to, yelling, shouting, hooting, whistling, singing, playing a musical instrument, emitting or transmitting any loud music or noise from any mechanical or electrical sound making or sound amplifying device, and the habitual barking, howling of animals.
10. Short-term rental units shall have operable smoke alarms, carbon monoxide detectors, and fire extinguishers in compliance with all applicable state and county codes and regulations.
11. Trash bins and recycling storage containers shall be required for all permitted short-term rentals. Trash shall be removed from the premises after each occupancy unless routine commercial trash collection is provided to the premises. Under all circumstances, the accumulation of trash and debris on the site or within the unit is prohibited. If wildlife causes debris to be found on or around the short term rental property, an animal proof trash bin enclosure is required.

12. Pets, if allowed by the operator, shall be secured at all times on the property at all times. Continual barking or other nuisances created by unattended pets are prohibited in accordance with Tulare County Ordinance 4-07-3300 Control of Animals.
13. Outdoor fires are only allowed during the months of November, December, January and February, on approved burn day(s) regulated by San Joaquin Air Pollution Control District, and if permitted, in writing, by the operator and or property owner, shall only be permitted within a designated fire pit in compliance with applicable state and local laws.
 - (a) Outdoor fires are not allowed during quiet hours.
 - (b) Outdoor campfires and burning is prohibited unless within a designated fire bowl/pit/wood stove. A homemade fire bowl/pit shall not be more than three feet diameter within dirt or protected by a noncombustible surface over the soil, with a noncombustible ridged ring/barrier around the fire pit, no less than four inches tall. Fuel within the fire pit shall not be stacked more than one foot tall. Commercially bought fire pits & wood stoves must be a listed design, such as those purchased at a retail commercial outlet. Any fires within these accruements must comply with the safety and design requirements of the accruement and its manufacturer instructions.
 - (c) An ember/spark screen shall cover the designated fire bowl/pit/wood stove.
 - (d) Outdoor barbeque equipment shall be used in accordance with the safety requirements and manufacturer's instructions of such equipment and used for cooking only.
 - (e) Any permitted open burning shall be constantly attended until the fire is extinguished.
 - (f) Fire shall be dead out to be considered extinguished.
 - (g) The burning of wood or other materials on the ground, not in an approved fire pit/wood stove is prohibited.
 - (h) Fuel for campfires must be clean dry wood. Debris, trash garbage, processed materials and refuse are prohibited.
 - (i) Proper clearance of combustibles from the fire bowl/pit/wood stove shall be maintained and cleared before a fire is kindled.
 - (j) No person shall allow a camp fire, kindled or attended by him/her to spread after it is built.

- (k) Renters shall have written permission from owner/operator, in possession upon request.
14. All wood burning fireplaces, wood burning heaters and outdoor burning devices are subject to applicable San Joaquin Valley Air Pollution Control District (SJVAPCD) rules and regulations including the, "Check Before You Burn program" and Rule 4901.
 15. Short-term rental activity is subject to and shall comply with the Tulare County Ordinance Code Part I, Chapter 5, Article 11 – Transient Occupancy Tax (TOT). The short-term residential rental owner shall include the transient occupancy tax registration certificate number on all short-term rental agreements, and in any related advertisements.
 16. All forms of print and non-print advertisement, including but not limited to magazines, brochures, internet websites, newspapers, television or radio commercials featuring short-term residential rental unit shall include; approved special use permit number, transient occupancy tax registration certificate number and specify the maximum permitted number of occupants for each short-term residential rental unit.
 17. All fireworks are prohibited.
 18. Water conservation and fire safety pamphlets or brochures shall be provided and displayed in a prominent location within the rental unit.
 19. If operator allows renters to smoke, an outside smoking area must be identified on the site plan and fire safe ashtrays must be provided.
 20. Lighting standards and guidelines, as feasible and appropriate to minimize light pollution, glare, light trespass and to protect the dark skies.
 - (a) Require outdoor light fixtures to be fully shielded.
 - (b) Encourage motion sensors for security purposes, rather than intrusive security lights.
 - (c) Require that lights are pointed in a downward direction, and are turned off when not in use.
 - (d) Restrict the use of lights during nighttime hours to indirect, non-glaring lighting.
 21. Each short-term residential rental unit shall have a clearly visible and legible notice posted within the unit (such as on or adjacent to the front door). The notice shall contain at a minimum, the following information:

- (a) The name of the managing agency, agent, property manager, or owner of the rental unit, and a telephone number at which that party may be immediately reached on a 24-hour basis.
- (b) The maximum number of occupants, including day-use guests, permitted from 8:00 a.m. to 10:00 p.m.
- (c) The maximum number of occupants allowed to stay overnight in the unit.
- (d) The maximum number of vehicles allowed to be parked on the property.
- (e) Property site plan identifying approved parking spaces, exterior property amenities and parcel boundary to deter trespassing on other privately owned properties.
- (f) Notification that renters shall observe “*quiet hours*” between 10 p.m. and 8 a.m. as described in Subsection F.9 above. Furthermore, renters and guests are prohibited from disturbing the peace of the surrounding neighborhood at any time of the day or night.
- (g) Notification of the arrangements that the owner has made to allow the renter to properly store and dispose of trash or refuse in accordance with the terms of the County Ordinance Code.
- (h) Notification that failure to comply with the requirements of this Section, including parking and occupancy standards, as well as public and private nuisance standards, is a violation of the County Ordinance Code and Zoning Ordinance, and that such violation may result in enforcement actions to address the violation. These may include actions to abate the nonconformity, the institution of criminal, civil, or administrative actions, or, under certain circumstances, the calling of law enforcement for the removal of guests and their vehicles from the property to the extent authorized by law.
- (i) Location of utility service connections, including how to access service connections and instructions and any tools necessary to disconnect the residential rental unit from utility services in the event of an emergency shall be provided.
- (j) The address of the unit and phone numbers of local emergency medical and law enforcement services. Ensure emergency numbers are clearly displayed and readily available to renters and guests. Ensure that a 911 call is routed to the appropriate service center in areas where emergency service providers are not capable of receiving or processing the location information

or call back numbers not automatically transmitted with 911 calls.

22. Each Posted Notice as described in Subsection F.21 above shall be delivered by certified mail to each adjacent property owner within 500 feet. The adjacent property owners shall be encouraged to contact the managing agency, agent, property manager, or owner of the short-term residential rental unit as described in F.21(a) to rectify any complaint as described in F.23 below.
23. The short-term residential rental unit owner or authorized agent shall be personally available by telephone on a 24-hour basis and maintain the ability to be physically present at the property within one hour in order to respond and remedy calls or complaints regarding the condition or operation of the unit or the behavior of persons on the property in violation of this Section or other law.
 - (a) Responses to such calls or complaints shall result in the short-term residential rental unit owner or authorized agent acknowledging the complaint and taking any and all corrective action within the lawful authority of the owner to abate the violation, or to cause the nuisance behavior that disturbs the peace of the neighboring properties to stop, for the entire duration of the occupancy of the person causing or allowing such violation or nuisance behavior. Such corrective action may necessarily include, under certain circumstances, the contacting of law enforcement, County officials, or other appropriate officials for the removal of guests and their vehicles from the property to the extent authorized by law.
 - (b) Calls or complaints about physical conditions or circumstances that constitute an immediate threat to the public health and safety shall obligate the owner, or authorized agent, to immediately contact the appropriate law enforcement, fire, or other authority.
 - (c) Each owner, or authorized agent, shall keep a written record of complaints including the date, time and type of complaints received, what response was undertaken by the owner, and when such complaints were resolved. This written record shall be made available to the County upon request, and shall be retained by the owner for 24 months.
24. It is the responsibility of short-term residential rental owner to prevent nuisance behavior and maintain neighborhood peace and quiet. The owner shall take any action necessary to ensure that renters and occupants abide by the terms of this Section and other applicable

provisions of the County Ordinance Code. The short-term residential rental unit owner must inform renters and occupants that they are not to violate any noise standards, parking standards, or otherwise create a public or private nuisance.

25. It is the responsibility of the short-term residential rental owner to properly operate and maintain the septic tank / sewage disposal system and/or water system, as applicable, to provide sufficient capacity to support the maximum allowed occupancy or limit the occupancy to a level that is sustainable by the existing system(s).
26. It is the responsibility of the short-term residential rental owner that the short-term residential rental unit shall be cleaned after each occupancy change in order to make the unit sanitary. If linens are provided for use by renters, said linens will be exchanged for clean linens after each occupancy change.
27. Any ambiguities in this ordinance shall be clarified by the Resource Management Agency Director, or his/her designee. If the short-term residential rental owner requests an exception to the limits in this ordinance, the owner has the option to proceed as a full discretionary special use permit that is to be heard before the Planning Commission. Additional fees may apply.

G. Enforcement. Owners and renters of short-term residential rental units shall comply with the requirements of this Section, and all other applicable County Ordinance Codes and other law.

1. In addition to any enforcement action and remedy authorized by this Section, a violation of any requirement of this Section may result in remedial action by appropriate members of County staff or any Enforcement Officer as defined in Part 1, Chapter 23, Article 1 Section 1020 of the County Ordinance Code.
2. Prior notice of enforcement actions is not necessary if the action is required to immediately remedy a viable complaint, and/or if prior notice to the property owner or the renters, either verbal or written, has not resulted in appropriate remedial action by the property owner.
3. A violation of any of the parking requirements of this Section may result in towing of the vehicle, or vehicles, causing the violation.
4. Remedial actions taken under this Section, other than any criminal citations, are subject to appeal in accordance with the Tulare County Zoning Ordinance, but no request for appeal shall stay the remedial actions taken pursuant to this Section.

H. Violations. The following shall constitute a violation for which fines and penalties may be imposed up to the maximum amounts as set forth in Part I, Chapter 23, Administrative Fines of the Tulare County Zoning Ordinance:

1. The owner has failed to comply with the standard conditions specified in Section 16.7. of the Tulare County Zoning Ordinance; or
2. The owner has failed to comply with additional conditions imposed pursuant to the provisions of Section 16 of this code; or, the owner has violated the provisions of this chapter; or,
3. The owner has failed to collect and/or remit to the County the transient occupancy tax as required by Part I, Chapter 5, Article 11, Section 1360 of the Tulare County Ordinance Code.
4. The owner and/or occupant of the premises or the persons creating, causing, committing, or maintaining the illegal or prohibited outdoor fire shall be subject to an administrative citation (Tulare County Ordinance Code 1-21-1020) and or fines (Tulare County Ordinance code 1-23-1015), penalties, fees and costs, including reasonable attorney fees, suppression costs imposed or incurred by the County pursuant to this chapter.

I. Suspension of Permit. A short term residential rental special use permit may be suspended for the following reasons:

1. Substandard building, property, unsafe building, or structure. Any violation as defined by Tulare County Ordinance Code sections 7-15-1065, 7-15-3320, 4-01-1070, and 4-1-1085; the Uniform Housing Code (as incorporated by Tulare County Ordinance Code, § 7-15-3000); and State Housing Law (Health and Safety Code, §§ 17910 et seq.).
2. Any failure to comply with, or respond to, any notice of violation or other notice from the County requiring compliance with one or more requirements of this Section or other applicable provision of the County Ordinance Code or other law. Property owners shall be informed of such suspension in a written notice mailed using both certified mail with return receipt and First Class service. In addition, although not required, the notice may also be posted on the property and/or mailed to any additional individuals or companies listed on the permit application.
3. Use of Property during Suspension and Stays.

- (a) When a short-term residential unit rental is suspended, the property or properties affected by the suspension shall not be used as a short-term residential rental, until the suspension is stayed or lifted.
 - (b) Administrative special use permits suspended pursuant to §16.7.I.1 of the Tulare County Zoning Ordinance will remain suspended, until such time as the Building Official, or his or her designee, confirms that all violations have been corrected or if appeal has ruled in favor of the appellant.
 - (c) Administrative special use permits suspended for general violations, i.e., those under § 16.7.I.2 of the Tulare County Ordinance, will remain suspended until such time as the violations are abated, or the property owner can reasonably demonstrate substantive changes in the property management practices that would mitigate or correct these violations, or an appeal has been ruled in favor of the appellant. If an appeal hearing for a general violation cannot be scheduled within 14 calendar days after an appeal was filed or if the hearing is scheduled, but through no fault of the appellant not held within 30 days after the appeal was filed, the suspension must be stayed through the date a ruling on the appeal is issued.
- 4. For appeals of suspensions, an appeal must be filed no later than 10 calendar days of the date the notice of suspension is issued.
 - (a) The suspension of a permit pursuant to §16.7.I of the Tulare County Zoning Ordinance, may be appealed pursuant to the Tulare County Zoning Ordinance.
 - (b) At least, a ten-day written notice of the hearing shall be given to the permit holder prior to the hearing date. The hearing date may be postponed or continued by stipulation of the parties. If the permit holder does not respond or appear, no further hearing procedure shall be required.
- 5. No determination or order shall be based solely on hearsay evidence. Planning Commission shall make their determination via resolution within five working days of the end of the hearing, unless a party requests a greater period. The resolution shall state the findings upon which the determination is made. The decision by the Planning Commission shall be final and no further appeal within the County shall be available.

- (a) The failure to appeal a suspension in a timely manner shall render the action to suspend final and no further appeal within the County shall be available.

J. Revocation of Short Term Residential Rental Special Use Permits.

1. A short-term residential rental administrative special use permit may be revoked by the Planning Commission for the following reasons:
 - (a) The severity of a violation of a requirement of Division 13, Part 1.5, Chapter 2, Section 17920.3 of the California Health and Safety Code necessitated the immediate vacation of the property.
 - (b) The conditions or actions that resulted in the suspension of the permit have not been abated, or addressed by a demonstrable change in the business practices associated with the short-term residential rental unit, within 60 days of the suspension being upheld on appeal or otherwise deemed final.
 - (c) The condition or the business practice that resulted in the suspension of the permit re-occurs within 12 months of the date the suspension was upheld on appeal or otherwise deemed final.
 - (d) A permit is suspended two times in a consecutive 24-month period, where said suspensions are either upheld on appeal or otherwise deemed final.
 - (e) The permit was obtained through fraud or deceit.
 - (f) The permit was issued in error.
2. Appeals of Revocation Decision by the Planning Commission
 - (a) The revocation of a permit may be appealed to the Board of Supervisors within 10 days of the Planning Commission Decision.
 - (b) No application for a permit shall be permitted within 12 months after a revocation is made final.

K. Amortization.

1. Any use of real property existing as a short-term residential rental unit, which does not conform to the provisions of this Section (as of this Sections effective date), but which currently operates as a short-term residential rental unit and maintains a viable transient occupancy tax certification from the County of Tulare Tax Collector shall be regarded

as a non-conforming short-term residential rental unit. Such existing non-conforming short-term residential rental units may be continued until December 31, 2021, at which time all such non-conforming short-term residential rental units shall comply with this Section. All non-conforming short-term residential rental units continuing in existence beyond December 31, 2021 shall be considered in violation of this Section and thus subject to Sections I and J of this Section.

DRAFT