

18-19.280 - Short Term Vacation Rentals (STVR)

- A. **Purpose and Intent.** The purpose of these regulations is to establish standards governing the development, operation, and maintenance of Short-Term Vacation Rentals (STVRs) within all residential and mixed-use zoning districts of the City, as identified in Section 18-18.030. These regulations are intended to permit the use of residential dwellings as Short-Term Vacation Rentals while ensuring that such use is conducted in a manner that is compatible with surrounding residential neighborhoods.
- B. **Type of Permit Required.** It is unlawful for property owner(s) to rent, maintain, facilitate, advertise or list a dwelling unit as a vacation rental without a valid Short Term Vacation Rental (STVR) Permit and shall be subject to the terms and conditions outlined in this chapter. The Review Authority may add, remove or modify conditions to further the intent of the ordinance.

STVR Permit shall only be issued to said property owner(s). An owner may retain an agent/representative (requires agent authorization form) to comply with the requirements of this article including without limitation, the filling of an application, and the management of the rental and compliance with the terms and conditions associated with the permit. The owner(s) of said property shall be responsible for compliance with the provisions of this article and the failure of an agent to comply with this article shall not relieve the owner of their obligation as set forth in this article

- C. **Prohibited Structures:** Short Term Vacation Rentals shall not be permitted in non-habitable structures, garages, within secondary/junior accessory dwelling units, nor in structures or dwellings with covenants or agreements restricting their use including but not limited to affordable housing units, agricultural/farmworker housing units, or on land under a Williamson Act Contract. Additionally, STVRs shall not occur in tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed.
- D. **Transfer of Permit(s):** A STVR Permit shall be none transferable upon sale, to a different person, or entity to whom said permit was issued to.
- E. **Terms and Conditions of Approval:**
1. **Maximum Number of Guestrooms:** Short Term Vacation Rentals may have a maximum of five (5) guestrooms or sleeping rooms.
 2. **Guest Rooms:** Vacation rentals with more than five (5) guestrooms or sleeping rooms may only be allowed if adequate sewage disposal capacity exists and neighborhood compatibility can be demonstrated to be determined by the approval of a use permit from the Planning Commission. For purposes of determining the appropriate level of permit required, the actual number of bedrooms in the structure plus any additional rooms intended or used for sleeping shall be used.
 3. **Maximum Overnight Occupancy:** Maximum overnight occupancy for vacation

rentals shall be up to a maximum of two (2) persons per sleeping room or guestroom, plus two (2) additional persons per property, up to a maximum of twelve (12) persons, excluding children under three (3) years of age. Vacation rentals with larger overnight occupancies may only be allowed subject to the granting of a use permit. For homes on a conditional or non-standard septic system, or those with capacity limited by a voluntary repair, the maximum overnight occupancy for vacation rentals shall be equal to the design load of the septic system. The property owner shall ensure that all contracts and online listings and advertisements clearly set forth the maximum number of overnight guests permitted at the property.

4. Maximum Number of Guests and Daytime Visitors: The maximum number of total guests and visitors allowed at any time in a single vacation rental shall not exceed the maximum overnight occupancy plus six (6) additional persons per property during the daytime, or eighteen (18) persons, whichever is less, excluding children under three (3) years of age. Daytime visitors shall not be on the property during quiet hours (10 pm to 7 am).
5. Parking shall be provided in compliance with the City's Parking requirements (See Section 18-20.090). Parking shall not occur on areas of said property not designated as parking spaces/areas, on any other private property without permission, or block/obstruct a public roadway. All watercraft, including trailers, shall only be parked within the driveway. Parking commercial vehicles on a Short-Term Rental home is prohibited, except for durations of less than four hours.
6. All lighting used to illuminate a Short-Term Vacation home shall be directed downward and shall not project onto adjacent neighboring parcels.
7. Short Term Vacation Rentals shall also not be permitted within secondary, accessory or junior accessory dwelling units, nor in structures or dwellings with City covenants or agreements restricting their use including but not limited to affordable housing units, agricultural employee units, farmworker housing, farm family units, or on land under a Williamson Act Contract.
8. Camping/Tents, yurts, RVs, Travel Trailers and other provisions intended for temporary occupancy are prohibited.
9. Rental Registration: Prior to Operation, the property owner(s) shall register all Short-Term Vacation Rentals in accordance with the City Municipal Code Rental Housing Unit Registration, Inspection and Inventory Regulations.
10. Noise Limits: All activities associated with the vacation rental shall meet the general plan noise standards contained below. Quiet hours shall be from 10:00p.m. to 7:00 a.m. The property owner shall ensure that the quiet hours and limits on outdoor activities are included in rental agreements and in all online advertisements and listings.
11. Amplified Sound: Outdoor amplified sound shall not be allowed at any time

associated with a vacation rental.

12. Pets: Pets, if allowed by owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.
13. Trash and Recycling Facilities: Recycling and refuse storage bins shall be shielded from public view unless in compliance with neighborhood standards. Recycling and trash receptacles shall be returned to screened storage areas within 24 hours of trash pick-up.
14. Outdoor Fire Areas: Outdoor fire areas, when not prohibited by state or local fire bans, may be allowed but shall be limited to 3 feet in diameter, shall be located on a non-combustible surface, shall be covered by a fire screen, and shall be extinguished when no longer in use or by 10:00 p.m., whichever is earlier. No fire or fire area shall be located within 25 feet of a structure or combustible material.
15. Septic Systems and Sewer Connections: The owner shall maintain a properly functioning septic system or sewer connection. In some cases, a per- room sewer fee may be applied.
16. Transient Occupancy Tax: The vacation rental owner or authorized agent shall maintain a transient occupancy tax certificate and remain current on all required monthly reports and payments. Owner or authorized agent shall include the certificate number on all contracts or rental agreements, and in any advertising or websites.
17. 24-hour Property Manager: All STVR's in the City must have a verified property manager who is available 24 hours per days, 7 days a week at times the property is rented or used on a transient basis. Verified property managers may be professional property managers, realtors, property owners, or other designated person provided that the individual is identified on the property's permit application, all contracts or rental agreements and in any advertising or websites. Property managers must be located within a 30-mile radius of the vacation rental and must be available to respond to complaints when the STVR is occupied. Any requested change to the property manager for a vacation rental property shall be made through submittal of a new Vacation Supplemental Application or similar form provided by the City and shall include the signature of the property manager and the desired effective date of the change. In no case may a vacation rental operate without a current verified property manager. Operation of a vacation rental without a verified property manager shall be considered a violation of this Section. The name and 24-hour contact information of the verified property manager shall be provided to any interested party upon request.
18. Emergency Access: The owner of any vacation rental located behind a locked gate or within a gated community shall provide gate code or a lockbox with keys ("Knox

Box" or similar) for exclusive use by law enforcement or fire services departments.

19. Posting and Neighbor Notification of Permit and Standards:

- Once a STVR Permit has been approved, a copy of the permit listing, all applicable standards and limits shall be posted within the vacation rental property. The owner shall post these standards in a prominent place within six (6) feet of the front door of the vacation rental and include them as part of all rental agreements.
- Once a STVR Permit has been approved, at the property owners expense, the City shall provide mailed notices to all property owners within 300 feet of STVR property. Addresses are retained from the Lake County Assessor's Office Database.
- All advertising handouts, flyers, internet listings, or any other information provided for vacation rentals shall conform to the approved occupancy limits and standards as stated on the vacation rental permit. Advertising may only be conducted for properties operating under a valid permit. Advertising for a particular property inconsistent with the approvals for that property shall be considered a violation of these performance standards.

20. Good Neighbor Contract: Prior to renting and/or entering the short-term vacation rental premises, the property owner and/or authorized representative and the party responsible shall complete a Good Neighbor Contract prepared by the City. Said contract informs the occupants of responsibility for compliance with the City Municipal Code, including that they may be subject to citations for violating such requirements.

21. Commercial Activities: Vacation rentals shall not be used for commercial activities, including but not limited to weddings, receptions, family reunions or large parties. All occupants of the vacation home shall be notified of the prohibition against commercial activity prior to reservation, rental, or lease of said property.

22. The use of spa's, hot tubes and/or pools shall not occur during quiet hours from 10:00p.m. to 7:00 a.m.

23. Additional Terms and Conditions may be implemented at the discretion of the Review Authority (i.e. City Manager/Community Development Director or their designee, City Council or Planning Commission).

F. Enforcement & Administrative Citation Process:

1. Initial complaints on vacation rentals shall be directed to the property owner/property manager identified in the STVR Permit or use permit, as applicable. The property owner or certified property manager shall be available 24

hours during all times when the property is rented and shall be available by phone during these hours. Should a problem or arise and be reported to the verified property manager, the property manager shall be responsible for contacting the tenant to correct the problem within 60 minutes, or within 30 minutes if during quiet hours, including visiting the site if necessary to ensure that the issue has been corrected.

2. The property manager shall complete the online reporting form to report any such complaints, and their resolution or attempted resolution(s), to the City within 24 hours of the occurrence. Failure to respond to complaints or report them to the City shall be considered a violation of this section and shall be cause for revocation of certification status.
3. If the issue reoccurs, the complaint will be addressed by City who may conduct an investigation to determine whether there was a violation of a zoning or use permit condition. Police reports, online searches, citations or neighbor documentation consisting of photos, sound recordings and video may constitute proof of a violation. If code enforcement verifies that a zoning or use permit condition violation has occurred, a notice of violation may be issued, and a penalty may be imposed in accordance with the Clearlake Municipal Code.

G. Enhanced Penalties for Non-Permitted Rentals: A vacation rental that is determined to be operating without the necessary permit required under this Section may be subject to a penalty of up to five times the standard application fee, including Administrative Citation/Code Enforcement Action.

H. Administrative Citations: In addition to all other legal remedies, criminal or civil, which may be pursued by the City to address any violation of the City Code, this subsection provides for Administrative Citations.

1. Use of Administrative Citations shall be at the sole discretion of the City.
2. This subsection is adopted pursuant to the authority conferred by the Government Code, including Section 53069.4.
3. Violations of the following permit requirements and performance standards may be deemed infractions for the purposes of this subsection, and are subject to administrative citation:
 - Conduct of a cultural event, special event, party, wedding or other similar activity exceeding the allowable maximum occupancy.
 - Exceeding the maximum permitted occupancy, not including children under 3 years of age.
 - Noise violations, as set forth in Subsection F-1 of this Section, above, including the use of outdoor amplified sound.
 - Violations of quiet hours (10:00 PM – 7:00 AM),
 - Exceeding maximum number of vehicles
 - Exceeding fire limits, including lighting fires during bans

- Unsecured pets and/or nuisance barking.
- Operation of a vacation rental without a certified property manager.
- Failure of the property owner to include the specified limits in rental agreements and online listings or advertisements.
- Failure to include the individual property's Transient Occupancy Tax Certificate number in all contracts, advertising and online listings.
- Failure of the property owner to maintain current Transient Occupancy Tax status.
- Violation of the Terms and Conditions of Approval
- A public health and safety concern by the City of Clearlake, Local Fire Department and/or any applicable governing agency.

I. Administrative Citations: All citations may be imposed on the property owner and/or the occupants of the rental.

1. First Administration Citation of a permitted STVR within a 24-month period may be subject to a \$1,000 fine and may be suspended for a period of thirty (30) days.
2. Second Administration Citation of a permitted STVR within a 24-month period may be subject to a \$1,500 fine and suspension of said permit for forty-five (45) days.
3. Third Administration Citation of a permitted STVR within a 24-month period may be subject to a \$2,500 fine and/or suspension of said permit for sixty (60) days.
4. If citations continue to occur after the third offense, the \$2,500 fine may continue to be imposed, and the operation will be subject to the Three Strike Penalty.

J. Three Strikes Penalty: Upon receipt of any combination of three administrative citations within a 24-month period, verified violations, or the Review Authority's determination that the permit is in violation of the performance standards, the STVR Permit may be revoked, subject to prior notice and to appeal, if requested within 10 days. Should such a revocation occur, an application to reestablish a vacation rental at the subject property shall not be accepted for a minimum period of one year from date of revocation.

K. Revocation of STVR Permit: An issued STVR Permit may be revoked by the City Manager or their designee at any time if they conclude any of the following:

1. The STVR is not current on Transients Occupancy Taxes (TOT) and has not paid all said taxes to the City in full by the date upon which said taxes became due.
2. There have been three or more upheld citations within a two-year period as described in Section H. For the purpose of this section, upheld penalties/citations mean citations which were neither overturned on appeal nor dismissed.
3. The homeowner or authorized agent has submitted an STVR Application containing material misrepresentation or omission of material fact and/or use of the STVR.

4. There has been a transfer or an attempt to transfer a STVR Permit to another person, entity or property.
5. Upon receipt of any combination of three administrative citations, verified citations, or hearing officer determinations of the citations of the permit requirements or performance standards issued to the owner/authorized agent or occupants at the property within a two-year period, the vacation rental zoning permit is summarily revoked, subject to prior notice and to appeal, if requested within 10 days.

L. **Appeal of Penalties/Determination:** The homeowner, authorized representative or the occupants who disagree with the Review Authority's determination may appeal a decision in accordance with the City Municipal Code.

M. **Advertisement Requirements:** All Advertisements and/or Listings shall include the following information.

- Square Footage of the home
- Number of bathrooms and bedrooms
- Maximum occupancy, not including children under 3.
- Maximum number of vehicles (including boat/trailers).
- Quiet hours must be observed between 10:00 p.m. to 7:00 a.m.
- No outdoor amplified sound is allowed.
- The Transient Occupancy Tax Certificate number for that particular property.
- Good Neighbor Contract Requirements
- Link to the City Municipal Code (Reference Only)

N. **Criteria for Denial:** Short-Term Vacation Rental Applications/Permits shall not be issued or renewed if the Review Authority determines that the application does not meet the requirements set forth in this section. If an application is denied, the applicant shall be notified in writing of the reasons for the denial and informed that the decision will become final unless appealed in accordance with the City Municipal Code.

O. **Application, Administrative, Monitoring and Citation Fees:** Associated fees with a Short-Term Vacation Rental shall be adopted by the City Council, unless directly referenced in this section.