

18-19.270 **Short Term Vacation Rentals (STVR)** ~~Vacation Rentals~~

A. **Purpose and Intent.** To establish standards for the development and operation of vacation rentals within all residential and mixed-use zones in the City as described in Section 18-18.030 (Table 5). The purpose of these regulations is to allow the rental of a residential dwelling unit as a vacation rental (as that term is defined in Chapter 18-45: owner-occupied dwelling unit where bedrooms are provided for compensation for fewer than thirty consecutive days) in the City with reasonable standards to preserve the residential neighborhood character and quality of life.

B. **Violation-Nuisance-Applicability.** The provisions of this section shall apply to all **Short Term Vacation Rentals (STVR) Permits** except where there is a primary owner in residence. It is unlawful and a violation of this Chapter, and is hereby declared a public nuisance, for any person or entity owning, renting, leasing, occupying, or having charge, control or possession of any real or improved property within the City of Clearlake to cause, permit, maintain or allow any violation of this Chapter to exist thereon.

Any violation of this Chapter is punishable as a misdemeanor and/or as otherwise permitted by this Code. Each violation of this Chapter that exists constitutes a separate and distinct violation as does each and every day, or portion thereof that any violation exists. Vacation rentals shall not be permitted in non-habitable structures.

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. Tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed as a part of a vacation rental.

C. **Permits 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 (City Manager, Community Development Director, Planning Commission or City Council) may add, remove or modify conditions to further the intent of the ordinance.

D. **Term of Permit.** **STVR Permits** ~~Zoning Permit~~ shall run with the landowner and shall automatically expire upon sale or transfer of the property. **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, 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.**

E. **Terms and Conditions of Approval ~~Permit Requirements:~~**

1. **Maximum Number of Guestrooms:** Vacation rentals may have a maximum of five (5) guestrooms or sleeping 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.
2. **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.
3. **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).
4. **Owner Occupancy:** All vacation rentals shall be owner occupied which means that the owner of the vacation rental unit shall occupy the rental dwelling unit at least 51% of the time during the year.
5. **Parking:** Parking shall be provided in compliance with the City's Parking requirements (See Section 18-20.090). **Parking of vehicles or trailers shall not occur on areas of said property not designated as parking spaces/areas, on any other private property without permission, block/obstruct a public roadway or block/obstruct entry into a driveway.**
6. **Commercial Activity:** 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.
7. **Rental Registration:** Prior to Operation, the property owner(s) shall register all Short-Term Vacation Rentals in accordance with the Rental Housing Unit Registration, Inspection and Inventory.

8. 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.
9. Amplified Sound: Outdoor amplified sound shall not be allowed at any time associated with a vacation rental.
10. Pets: Pets, if allowed by owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.
11. Trash and Recycling Facilities: Recycling and refuse storage bins shall not be stored within 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. Recycling and/or refuse shall be disposed of in authorized storage bins or authorized bags and shall not be allowed to accumulate on the grounds, on other private property or on the public roadway.
12. 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 as soon as it is 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.
13. 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.
14. Transient Occupancy Tax: The vacation rental owner or authorized agent shall maintain a transient occupancy tax certificate and remain current on all required reports and payments. Owner or authorized agent shall include the certificate number on all contracts or rental agreements, and in any advertising or websites.
15. 24-hour Property Manager: All vacation rentals operating within the City must have a verified property manager who is available 24 hours per days, 7 days per week during all times that 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 at all times during the rental period. 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. Owner occupancy requirements under Subsection E-4 of this Section will require owner to also comply with this provision.

16. 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.
17. Posting and Neighbor Notification of Permit and Standards:
 - Once a **STVR Permit** ~~vacation rental 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.
 - At the permit holder's expense, the City shall provide mailed notice of permit issuance to property owners and immediate neighbors of the **STVR Permit** vacation rental unit using the standard 300' property owner mailing list. 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.
18. **Additional Terms and Conditions may be implemented at the discretion of the review authority (i.e. City Manager, Community Development Director, City Council or Planning Commission).**
19. Requirements for All Internet Advertisements and Listings: All online advertisements and/or listings for the vacation rental property shall include the following:
 - Maximum occupancy, not including children under 3.
 - Maximum number of vehicles.
 - Restrictions on where vehicles and trailers may be parked.
 - Notification that quiet hours must be observed between 10:00 p.m. and 7:00 a.m.
 - Notification that no outdoor amplified sound is allowed.
 - The Transient Occupancy Tax Certificate number for that particular property.
 - **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.**

F. Enforcement Process:

1. Complaints: Initial complaints on vacation rentals shall be directed to the property owner/property manager identified in the **STVR permit** ~~zoning 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.

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 City shall be considered a violation of this section and shall be cause for revocation of certification status.

If the issue reoccurs, the complaint will be addressed by City code enforcement 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. At the discretion of the Community Development Director or other review authority as defined herein, the **STVR Permit** may be revoked. If the permit is revoked, a **STVR Permit** for a vacation rental may not be reapplied for or issued for a period of at least one (1) year after revocation.

2. Enhanced Penalties for Non-Permitted Rentals: A vacation rental that is determined to be operating without the necessary permit required under this Section ~~may~~ shall be subject to a penalty of ten times the normal application fee.
3. Violations of ~~Performance Standards~~ Terms/Conditions of Approval & 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.
 - i. Use of Administrative Citations shall be at the sole discretion of the City.
 - ii. This subsection is adopted pursuant to the authority conferred by the Government Code, including Section 53069.4.
 - iii. 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.
- **Violations of the Terms and Conditions of Approval.**

iv. Administrative Citations:

- a. First Violation of a permitted STVR within a 24-month period shall be subject to a minimum fine as determined in Section G and may be suspended for a period of thirty (30) days.
- b. Second Violation of a permitted STVR within a 24-month period shall be subject to a minimum fine as determined in Section G and suspension of said permit for forty-five (45) days.
- c. Third violation of a permitted STVR within a 24-month period subject to a minimum fine as determined in Section G and suspension of said permit for sixty (60) days.
- d. **Three Strikes Penalty:**
 - Upon receipt of any combination of three administrative citations **within a 24 month period**, verified violations, or hearing officer determinations of violation of any of the permit requirements or performance standards issued to the owner or occupants at the property within a two year period, the ~~vacation rental zoning permit~~ **STVR Permit shall be is summarily** 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 ~~two~~ **one year from date of revocation.** ~~years.~~

G. Application, Administrative, Monitoring and Citation Fees:

Associated fees with a Short-Term Vacation Rental shall be adopted by the City Council and collected by the City to pay for monitoring and enforcement of **Short-Term Vacation Rentals.**