

**TOWN OF TRUCKEE
California**

ORDINANCE 2023-12

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TRUCKEE, AMENDING CHAPTERS 3.24 AND 5.02 OF THE TRUCKEE MUNICIPAL CODE PERTAINING TO TRANSIENT OCCUPANCY TAX AND TRANSIENT RENTALS OF RESIDENTIAL UNITS

WHEREAS, the Truckee Town Council has previously adopted Chapter 3.24 of the Truckee Municipal Code, pertaining to the Town's transient occupancy tax; and

WHEREAS, the Truckee Town Council has previously adopted Chapter 5.02 of the Truckee Municipal Code, establishing a regulatory structure for properties used as short-term rentals; and

WHEREAS, the Town Council wishes to amend various provisions of these ordinances in order to clarify them, make the Municipal Code more internally consistent, and facilitate the implementation of the ordinances by Town staff; and

WHEREAS, the Town Council does not intend, through the adoption of this ordinance, to amend Chapter 3.24 in any way that would increase the rate of taxation set forth therein or expand the incidence of taxation;

The Town Council of the Town of Truckee Does Ordain as Follows:

Section 1. The recitals above are incorporated herein.

Section 2. Chapters 3.24 and Chapter 5.02 of the Truckee Municipal Code are hereby amended to read as set forth in Exhibits A and B, respectively, attached hereto and incorporated herein by reference.

Section 3. If any provision of this ordinance or the application thereof to any person or circumstances is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

Section 4. The Town Clerk is hereby directed to publish this ordinance or a summary thereof in accordance with the law.

* * * *

The foregoing ordinance was introduced at a regular meeting of the Truckee Town Council held on the 14th day of November, 2023, and adopted at a regular meeting of the

Truckee Town Council, on the 28th day of November, 2023; _____ moved for the adoption, the motion was seconded by _____ and was carried by the following vote:

AYES:

NOES:

ABSENT:

Lindsay Romack, Mayor

ATTEST:

APPROVED AS TO FORM:

Kelly Carpenter, Town Clerk

Andy Morris, Town Attorney

EXHIBIT "A"

Chapter 3.24

CHAPTER 3.24 TRANSIENT OCCUPANCY TAX

3.24.010 Short Title

This chapter shall be known as the "Uniform Transient Occupancy Tax of the Town of Truckee".

3.24.020 Definitions

Except where the context otherwise requires, the definitions given in this Section govern the construction of this chapter.

- (a) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (b) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes, but is not limited to, any hotel, inn, vacation home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, campground, recreational vehicle park, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof, duplex, triplex, single-family dwelling units except any timeshare as set out in Revenue and Taxation Code Section 7280; provided that the burden of establishing that the facility is not a hotel shall be on the owner or operator thereof.
- (c) "Occupancy" means the use or possession or the right to the use or possession of any hotel room or rooms or portion thereof, offered for rent for dwelling, lodging or sleeping purposes.
- (d) "Transient" means any person who occupies or is entitled to occupy by reason of concession, permit, right of access, license or other agreement for a period of thirty consecutive calendar nights or less, counting portions of calendar days as full nights. Any such person so occupying space in a hotel is a transient until the period of thirty nights has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, an uninterrupted period of time extending both prior and subsequent to the effective date of this Chapter may be considered. Transient shall not include the owner or guest of an owner of a timeshare unit (as defined in Business and Professions Code Section 11003.5 or a membership camping contract (as defined in Civil Code Section 1812.300)
- (e) "Rent" means the consideration charged, whether or not received, for the occupancy of space in a hotel, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind of nature, without any deduction therefrom whatsoever except such deductions as the tax administrator may authorize from time to time where monies received by the operator do not represent income taxable by the Town, and provided that rebates of credit card processing costs provided by a credit card processor to the operator shall not constitute rent for purposes of this chapter.

- (f) “Operator” means the person who is proprietor of the hotel, whether in capacity of owner, lessee, sub lessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs functions through a managing agent of any type or character other than an employee, the managing agent is an operator for the purposes of this Chapter and has the same duties and liabilities as the principal. Compliance with the provisions of this Chapter by either the principal or the managing agent is, however, considered to be compliance by both. Where multiple hotels are operated by a managing agent only one certificate shall be required, which certificate will cover all hotels operated by the managing agent.
- (g) “Tax Administrator” means the Town Manager or his/her designee.

3.24.030 Rate

For the privilege of occupancy in any hotel between January 1, 2021, and December 31, 2040, each transient is subject to and shall pay a tax in the amount of twelve percent (12%) of the rent charged by the operator. For the privilege of occupancy in any hotel prior to January 1, 2021, or on or after January 1, 2041, each transient is subject to and shall pay a tax in the amount of ten percent (10%) of the rent charged by the operator. This tax constitutes a debt owed by the transient to the Town which is extinguished only by payment to the operator of the hotel at the time the rent is paid. The unpaid tax is due upon the transient's ceasing to occupy space in the hotel. If, for any reason, the tax due is not paid to the operator of the hotel, the tax administrator may require that such tax be paid directly to the tax administrator.

3.24.040 Exemptions

No tax shall be imposed upon:

- (a) Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.
- (b) Any federal officer or employee when an official business.

No exemption shall be granted except a claim therefore made at the time the rent is collected, upon a form prescribed by the tax administrator.

3.24.050 Collection of Tax

Every operator of a hotel in the Town for stays of less than thirty-one (31) continuous nights shall collect the tax on the amount of rent from the occupant. This tax shall be collected on the rent charged for night one (1) through night thirty (30) of any stay unless the occupant warrants in writing before or at the inception of stay that such stay shall exceed thirty (30) continuous nights. The lodging provider shall provide a receipt to each occupant, which receipt shall reflect both the amount of rent and the amounts of this and any other tax applicable. This tax shall be due from the occupant, and shall be collected by the lodging provide at the same time that the rent is collected. The lodging provider shall be liable for any amount of tax that he fails to collect appropriately; and must remit to the Town any amount of tax collected. No operator shall in any way advertise or state that the tax or any portion thereof will be absorbed by the operator, will be included in the rent, or refunded except as provided herein.

3.24.060 Registration

Prior to commencing business, each operator of any hotel renting to transients must register the hotel with the tax administrator and obtain a "Transient Occupancy Registration Certificate" to be posted at all times in a conspicuous place on the premises. No new transient occupancy registration certificate shall be issued after November 14, 2023 for: (i) any mobile home, manufactured home, recreational vehicle, or tiny home (as defined in Section 18.220.020 of this code) that is not fixed to a permanent foundation but rather is attached to a chassis; and/or (ii) any mobile home, manufactured home, recreational vehicle, tiny home (as defined in Section 18.220.020 of this code) or dwelling of any kind that is located in: (a) a mobile home park as defined in California Health & Safety Code Section 18862.29 as it may be amended; (b) recreational vehicle park as defined in California Health & Safety Code Section 18862.39 as it may be amended and/or Sections 18.58.150(A)(2) and/or 18.220.020 of this code; and/or (iii) a special occupancy park as defined in California Health & Safety Code Section 18862.43 as it may be amended. For purposes of this chapter, posting an advertisement for the transient rental of a hotel shall constitute commencement of business, as shall any other action indicating that business has been commenced. The Certificate shall state, among other things, the following:

- (a) The name of the operator, and owner if different;
- (b) The address of the hotel;
- (c) The date upon which the Certificate was issued;
- (d) "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax by registering with the tax administrator for the purpose of collecting from transients the Transient Occupancy Tax and remitting the tax to the tax administrator. This Certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this Town."

Registration street address, assessor parcel number and owner name shall be a matter of public record. The Town Clerk shall, upon the request of any person, provide a list of the registration street address, assessor parcel number, and owner name for all registered operations within the Town. If the thirty-day period described above has elapsed with respect to a particular hotel and no valid Transient Occupancy Registration Certificate exists for such hotel, it shall be unlawful for any person to act as an operator and rent that hotel on a transient basis. Following the expiration of the thirty-day period described above with respect to a particular hotel, no person shall advertise such hotel for rent on a transient basis without including the number of the Transient Occupancy Registration Certificate in the advertisement.

3.24.070 Reporting and Remitting

Each operator shall file a return quarterly, on or before the first day of the following month that is not a Saturday, Sunday, or legal holiday. The date of filing shall be determined by the postmark on a mailed return, and by the date it was received by the Town's electronic return filing system if filed in that manner. Any tax not immediately remitted shall be delinquent and subject to the

penalties and interest provisions set forth below. The tax administrator may establish shorter reporting periods or extend the time for filing of a return for a period not to exceed thirty (30) days for any certificate holder if it is deemed necessary in order to ensure collection of the tax and further information may be required in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this Chapter are held in trust for the account of the Town until payment thereof is made to the tax administrator.

Whenever the amount of any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected or received by the Town, it may be refunded by the tax administrator. If the operator or person determines that tax has been overpaid or paid more than once, which fact has not been determined by the tax administrator such person shall have one (1) year from the date of payment to file a claim in writing stating the specific ground upon which the claim is founded. The tax administrator shall approve or disapprove the claim, and notify the claimant of its action. However, in no instance, may a notice of deficiency determination be disputed until it has been collected and a claim for refund duly submitted.

Tax returns filed with the Town pursuant to this chapter, and all information contained therein regarding amounts of gross receipts, adjustments, credits, over collections, penalties, and interest shall be and remain confidential. Provided, however, that this section shall not apply to any disclosures made in conjunction with any action or proceeding of any kind relating to determination or collection of tax owed or any prosecution for violation of this chapter or any related civil or criminal action. Nor shall this section apply where disclosure is required by a court order or other legal process involving the enforcement of state or federal law. This section shall not prohibit the disclosure of statistical or cumulative information when the information provided does not disclose or identify the individual taxpayer.

3.24.080 Penalties and Interest

- (a) Original Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of ten (10%) percent of the amount of the tax in addition to the amount of the tax.
- (b) Continued Delinquency. For each subsequent thirty day period following the date on which an operator's remittance first becomes delinquent the operator shall pay a delinquency penalty of ten (10%) percent of the amount of the tax in addition to the amount of the tax and the ten (10%) percent penalty first imposed, up to a maximum of fifty (50%) percent.
- (c) Fraud. If the tax administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five (25%) percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsections (a) and (b).
- (d) Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one and a half (1 1/2%) percent

per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

- (e) Penalties Merged with Tax. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.

3.24.090 Failure to Collect and Report

If any operator fails or refuses to collect the tax and to make, within the time provided in this Chapter, any report and remittance of the tax or any portion thereof required by this Chapter, the tax administrator shall proceed in such manner as may be deemed best to obtain facts and information on which to base the estimate of the tax due. As soon as the tax administrator procures such facts and information as may be available to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, the tax administrator shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the tax administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known place of business. Such operator may within ten days after the serving or mailing of such notice make application in writing to the tax administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the tax administrator shall become final and conclusive and immediately due and payable. If such application is made, the tax administrator shall give not less than five days' written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in the notice why the amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed.

After such hearing the tax administrator shall determine the proper tax to be remitted and thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen days unless an appeal is taken as provided in Section 3.24.100.

- (a) If any person is delinquent in the payment of the amount required to be paid or in the event a determination has been made that an amount due remains unpaid, the tax administrator may, not later than three years after the payment became delinquent, give notice thereof by certified mail to all persons in the county having in their possession or under their control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent. After receiving the notice the persons so notified shall neither transfer nor make any other disposition of the credits, other personal property or debts in their possession or under their control at the time they receive the notice until the tax administrator consents to a transfer or disposition or until 20 days elapse after the receipt of the notice. All persons so notified shall within five days after the receipts of the notice advise the tax administrator of all such credits,

- other personal property or debts in their possession, under their control or owing by them.
- (b) At any time within three years after any tax or any amount of tax required to be collected becomes due and payable or at any time within three years after any determination becomes final, the tax administrator may bring an action in the courts of this state or any other state or of the United States in the name of the Town to collect the amount delinquent together with penalties and interest.
 - (c) If any owner and/or operator of any business or the real property upon which such business is operated, sells, transfers, assigns, leased or otherwise quits the business, and any person who takes ownership or operation of the business and/or real property upon which such business is operated shall, in escrow, or otherwise pay such amount in full. The amount to be paid shall be determined by an audit for the last fiscal year of the property being transferred conducted by the Town, less any security deposit, held by the Town. No escrow shall be allowed to close concerning any property subject to this chapter unless sufficient funds are retained in escrow to cover any delinquency and paid over to the Town from the escrow upon demand; All sums deemed due the Town at the completion of the audit shall be paid to the Town by the escrow holder upon written demand of the tax administrator. If any such owner or operator of the business and/or the real property upon which the business is operated, or any escrow holder, fails to pay, withhold, or insure the withholding of the required sum, such person shall be liable for all monies due the Town. No Town permit or entitlement of any type shall be issued to the successor, owner or operator of any transient lodging facility if transient occupancy taxes remain unpaid.
 - (d) Notice shall be recorded with the Nevada County recorder's office on every transient lodging facility within the Town of Truckee. The following notice shall appear with regard to such properties: Pursuant to the Truckee Municipal Code, if any owner or operator liable to the Town for any amount of transient occupancy tax sells, transfers or assigns the property, the purchasers or successors of such person shall, in escrow, hold sufficient funds to pay such amount in full. The amount shall be determined by audit as described in the Code. If any person fails to pay or withhold the required sum, or allows escrow to close without satisfaction in cash of the amount owed to the Town, such person shall be personally liable.
 - (e) If any amount of transient occupancy tax required to be paid to the Town under this section is not remitted or paid when due, the tax administrator or his/her designee may, within three years after the amount is due, file for record in the office of the Nevada County Recorder a certificate specifying the amount of tax, penalties and interest due, the name and address as it appears on the records of the tax administrator of the owner and/or operator liable for that amount, and the fact that the tax administrator has complied with all provisions of this section in the determination of the amount required to be paid to the Town. From the date of the filing for record, the amount required to be remitted together with penalties and interest, constitutes a lien upon all real property in the county owned by the operator and/or owner, and any real property acquired by him/her at any subsequent date but before the lien expires. The lien has the force, effect and priority of a judgment lien and shall continue for 10

years from the time of filing of the certificate unless sooner released or otherwise directed.

If the tax administrator is not satisfied with the return or returns of the tax or the amount of the tax required to be paid to the Town by and any operator he may compute and determine the amount required to be paid upon the basis of any information within his possession or that may come into his possession. One (1) or more deficiency determinations may be made of the amount due for one (1) or more monthly periods. Penalty and interest shall be assessed upon the amount of any determination. The tax administrator shall give to the operator written notice of his determination. The notice may be served personally or by mail; if by mail, such service shall be addressed to the operator at his address as it appears in the records of the Town. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee, or when made by statutory overnight delivery. Except in cases of failure to make a return or of fraud, every notice of deficiency determination shall be mailed within three (3) years after the twentieth (20th) day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three (3) years after the return is filed, whichever period should last expire. If any operator fails to make a return, the tax administrator shall make an estimate of the amount of the gross receipts of the operator. The estimate shall be made for the period or periods in respect to which the operator failed to make the return and shall be based upon any information which is or may come into the possession of the tax administrator. Penalty and interest shall be assessed upon the amount of any determination, as provided herein. No deficiency determination may be contested until it shall first be paid, and a claim for refund filed with the tax administrator. Matters in extenuation or mitigation of the deficiency determination must be submitted in writing at the time the claim for refund is filed.

3.24.100 Appeal

Any operator aggrieved by a decision of the tax administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the Town Council by filing a notice of appeal with the Town Clerk within fifteen days of the serving or mailing of the determination of tax due. The Town Clerk shall fix a time and place for hearing such appeal and shall give notice in writing to such operator at the last known place of business. The findings of the Town Council are final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due is immediately due and payable upon the service of notice.

3.24.110 Records

It is the duty of every operator liable for the collection and payment to the Town of any tax imposed by this chapter to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the Town, which records the tax administrator shall have the right to inspect at all reasonable times.

3.24.120 Refunds

- (a) Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the Town under

- this chapter it may be refunded as provided in subsections (b) and (c) provided a claim in writing therefore, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the tax administrator within one year of the date of payment. The claim shall be on forms furnished by the tax administrator.
- (b) An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received when it is established in a manner prescribed by the tax administrator that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit is allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.
 - (c) A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the Town by filing a claim in the manner provided in subsection (a), but only when the tax was paid by the transient directly to the tax administrator, or when the transient, having paid the tax to the operator, establishes to the satisfaction of the tax administrator that the transient has been unable to obtain a refund from the operator who collected the tax.
 - (d) No refund shall be paid under the provisions of this section unless the claimant establishes a right thereto by written records showing entitlement thereto.

3.24.130 Actions to Collect

Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owed by the transient to the Town. Any such tax collected by an operator which has not been paid to the Town shall be deemed a debt owed by the operator to the Town. Any person owing money to the Town under the provisions of this chapter is liable to an action brought in the name of the Town for the recovery of such amount.

Charge for Audits and Collection of Attorney's Fees. All transient occupancy collections by an operator shall be subject to audit by the Tax Administrator or the Administrators designee, under conditions determined by the Tax Administrator. A reasonable per hour fee equal to the Town's costs for the audit of transient occupancy tax accounts shall be charged to the owner and/or operator of the transient lodging facility where unpaid taxes are discovered as a result of the audit. If the Town is the prevailing party in litigation filed to collect taxes, penalties, and/or interest due under this chapter, the Town shall be entitled to recover reasonable attorney's fees and costs engendered by said litigation from the owner and/or operator of the transient lodging facility. The Town Attorney shall be authorized, as set forth in Government Code Section 37104 et seq. to issue subpoenas which require the production of records for audit purposes.

3.24.140 Violations

Any person who violates any provision of this chapter shall be guilty of an infraction, punishable by fine as determined by the Court. Any operator or other person who fails or refuses to register as required in this chapter, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the tax administrator, or who renders a false or fraudulent return or claim, may be subject to administrative citations as set forth in Chapter

1.03 or be punishable per offense by a fine set forth in the Town of Truckee fee schedule. Adjudication of any such violation shall occur using the administrative hearing process established by the Town for Town code violations. In addition, if a violation is found to have taken place the hearing officer may also require payment of the Town's reasonable costs of processing and collection. Any violation of any provision of this chapter which occurs on more than one day shall constitute a separate violation for each day or portion thereof during which such violation occurs. In addition to the foregoing remedies, the Town may deny, suspend, or revoke a transient occupancy registration certificate for any of the following reasons:

1. The transient occupancy registration certificate application is incomplete;
2. The transient occupancy registration certificate contains a false or misleading statement or omission of a material fact;
3. The hotel or operator is currently in violation of, or has been found to be in violation of, any local, state or federal laws, statutes, ordinances, rules, regulations, or public health orders pertaining to the operation of a hotel;
4. The operator is delinquent on any payment to the Town of any fees, penalties, taxes, or any other monies related to the short-term rental including, but not limited to, transient occupancy taxes;
5. A transient occupancy registration certificate application may be denied due to prior revocation or suspension of a transient occupancy registration certificate;
6. Any required application fee or renewal fee, or penalty imposed for a violation of this chapter, has not been paid. Notwithstanding the foregoing, payment of a penalty shall not be required if an appeal thereof has been timely submitted and the finding of the hearing officer or body regarding the appeal has not yet been served upon the appellant.

3.24.150 Condition Precedent to Judicial Review of Tax Liability

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the Town or an officer thereof, to prevent or enjoin the collection of taxes sought to be collected pursuant to this chapter and payment of all tax, interest and penalties shall be required as a condition precedent to seeking judicial review of any tax liability.

EXHIBIT "B"
Chapter 5.02

CHAPTER 5.02 TRANSIENT RENTALS OF RESIDENTIAL UNITS

5.02.010 Purpose

Truckee is known for its scenic beauty and recreational opportunities. Short-term rentals have existed in Truckee for many years, but a surge in popularity of this type of lodging in Truckee has created a need to protect the health and safety of residents and guests and to protect the environment, by establishing a registration system, operating procedures, standards and limitations for short-term rentals in Truckee. All requirements, regulations and standards imposed by this chapter are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in the Truckee Municipal Code, state and federal law.

5.02.020 Definitions

The following words, phrases and terms as used in this chapter shall have the following meanings:

"Bedroom" means an enclosed habitable room planned and intended for sleeping, separated from other rooms by a door, and accessible without crossing another bedroom, closet space, or bathroom. A bedroom will have a built-in closet, emergency escape and rescue opening(s), and a minimum floor area of seventy (70) square feet, exclusive of a closet. Additionally, the construction of the room shall have been authorized by a building permit, and the room shall comply with all codes in effect at the time of construction or conversion into a bedroom.

"Guest" or "Guests" means the individual or individual(s) occupying the short-term rental for the purpose of staying overnight.

"Local contact person" means an individual who is personally available by telephone on a twenty-four (24) hour basis and who maintains the ability to be onsite within sixty (60) minutes and who has access and authority to assume management of the short-term rental. An agent or professional property management company that meets the availability requirements can serve as the local contact person.

"Multi-family dwelling unit" is defined in Title 18 of the Truckee Municipal Code, Section 18.220.020.D (Definitions, Dwellings, Multi-Family).

"Operator" means any and all of the following: (i) the person who is a legal owner of a short-term rental; (ii) a person who has the legal right to possession of a short-term rental; (iii) a person who has a legal right to receive or collect any monies as rent for the occupancy of a short-term rental; and (iv) any manager, agent, representative or other similar person acting under the authority or at the direction of the owner or other operator of a short-term rental.

"Short-term rental" means a single-family dwelling, an accessory dwelling unit, multi-family dwelling unit, studio, condominium, townhouse, duplex, guesthouse, bedroom within an existing residential unit, tiny home, cabin, multi-person dwelling, or yurt, constructed with a building permit, rented to one person or group in a single transaction and not rented to multiple people or groups in multiple transactions for the purpose of continuous overnight lodging for a period of not less than one night and not more than thirty (30) consecutive days.

"Transient occupancy registration certificate" means the certificate described in Chapter 3.24 of this code.

5.02.030 Registration Certificate Requirements

- A. Registration certificate required. It is unlawful for any person to advertise, maintain, operate or use a short-term rental within the Town of Truckee without a transient occupancy registration certificate, or in violation of the terms and conditions of the certificate or of this chapter (including without limitation the occupancy restrictions set forth in the certificate). No person may advertise, maintain, operate, or use as a short-term rental an accessory dwelling unit or junior accessory dwelling unit, as those terms are used in California Government Code Sections 65852.2 and 65852.22, as they may be amended from time to time. Notwithstanding the foregoing, this prohibition shall not apply in the event that Town staff or the Town Council determine that the prohibition is in conflict with state law. No transient occupancy registration certificate shall be issued for any accessory dwelling unit or junior accessory dwelling unit created without a building permit or for which a building permit was issued on or after January 1, 2020, in accordance with state law. No transient occupancy registration certificate shall be issued for any detached living area rented separate from the main dwelling, even if it is approved as a “bedroom,” per Development Code Section 18.58.100 which prohibits the rental of a detached living area separate from the main dwelling. Each rental occurring without a transient occupancy registration certificate, and each rental of an accessory dwelling unit or junior accessory dwelling unit, shall be a separate violation. Additionally, no transient occupancy registration certificate shall be issued for: (i) any mobile home, manufactured home, recreational vehicle or tiny home (as defined in Section 18.220.020 of this code) that is not fixed to a permanent foundation but rather is attached to a chassis; and/or (ii) any mobile home, manufactured home, recreational vehicle, tiny home (as defined in Section 18.220.020 of this code), or dwelling of any kind that is located in: (a) a mobile home park as defined in California Health & Safety Code Section 18862.29 as it may be amended; (b) recreational vehicle park as defined in California Health & Safety Code Section 18862.39 as it may be amended and/or Sections 18.58.150(A)(2) and/or 18.220.020 of this code; and/or (iii) a special occupancy park as defined in California Health & Safety Code Section 18862.43 as it may be amended. Transient occupancy registration certificates shall be renewed annually, and separate certificates are required for each short-term rental unit. The certificate requirements for short-term rentals are set forth below. The issuance of any certificate pursuant to this chapter does not relieve the owner of the obligation to comply with the other provisions of this code pertaining to the use and occupancy of the short-term rental or the property in which it is located. Short-term rentals are allowed in all zone districts that allow residential use with approval of a transient occupancy registration certificate, subject to the provisions of this chapter establishing eligibility for transient occupancy registration certificates.
- B. Exemptions. The provisions of this chapter shall not apply to the operation of: (i) a “Bed and Breakfast Inn”, as that term is defined in Title 18 of this code, Section 18.58.070 (Bed and Breakfasts), provided the Bed and Breakfast Inn is allowed in the zone in which it is located; or (ii) units located in non-residential zones and for which 24-hour onsite management is provided; provided that nothing herein shall relieve the operator of such units or of a Bed and Breakfast Inn from the requirements of Chapter 3.24 of this code, including without limitation the requirement to obtain a transient occupancy registration certificate and to collect and remit transient occupancy tax. Units within developments that were originally approved as “lodging units” rather than dwelling units are subject to all provisions of this chapter except that such units will not be subject to the prohibition of new transient occupancy registration certificates in multi-family dwellings set forth below.
- C. Application to join waitlist. A person wishing to obtain a transient occupancy registration certificate shall submit an application to join the waitlist maintained pursuant to subsection E

below. No application shall be submitted, and no application shall be granted if submitted, for a property within 365 days of the most recent transfer of ownership of the property. No application shall be submitted, and no application shall be granted if submitted, for a property that is vacant land or currently under construction and has yet to receive its Certificate of Occupancy. No application shall be submitted, and no application shall be granted if submitted, if the waitlist applicant is in violation of, or has been found to be in violation of, any local, state or federal laws, statutes, ordinances, rules or regulations, while the violation remains uncured. If an applicant is approved to join the waitlist but is subsequently found to be in violation of any provision of this chapter or any local, state or federal laws, statutes, ordinances, rules or regulations, the applicant's position on the waitlist shall be revoked and forfeited. The waitlist applicant can reapply to the waitlist one year from when the violation is remedied. A nonrefundable application fee in an amount established by the Town Council shall be remitted with the application. The application shall be on a form to be furnished by the Town, and shall include:

1. Operator name and contact information.
2. Address and assessor's parcel number for the property at which the short-term rental is located.
3. Rental unit type (e.g., home, condominium). The application must identify if the rental unit is the property owner's or owners' primary or secondary dwelling.
4. Number of permitted bedrooms on the property.
5. Date of most recent sale or other transfer of the property, including a copy of the grant deed effectuating such transfer.

D. Application for certificate. An application for a transient occupancy registration certificate shall be submitted by the operator to the Town of Truckee's Administrative Services Department. No application shall be submitted, and no application shall be granted if submitted, for a property within 365 days of the most recent transfer of ownership of the property. No application shall be submitted, and no application shall be granted if submitted, for a property that is vacant land or currently under construction and has yet to receive its Certificate of Occupancy. Should the property be in violation of any local, state or federal laws, statutes, ordinances, rules or regulations at the time the application is submitted the Town shall deny the application for certificate. Each transient occupancy registration certificate application shall be accompanied by a nonrefundable transient occupancy registration certificate fee. The fee schedule for certificate applications and waitlist applications shall be established by resolution of the Town Council following a public hearing and may be adjusted by resolution of the Town Council following a public hearing. Permits and fees required by this chapter are in addition to any license, permit, certificate or fee required by any other chapter of this code. Each application shall, at a minimum, include the following:

1. Operator name and contact information.
2. The name of the local contact person, if different from the operator, and a telephone number at which the local contact person may be reached within 30 minutes.
3. Address and assessor's parcel number for the property at which the short-term rental is located.
4. Rental unit type (e.g., home, condominium). The application must identify if the rental unit is the property owner's or owners' primary or secondary dwelling.
5. Maximum occupancy. The maximum occupancy of a short-term rental shall be two guests per bedroom, plus two additional people, excluding children under thirteen (13) years of age. Occupancy limits shall apply between the hours of 10:00 pm and 7:00 am.

6. Total number of on-site parking spaces. Within the Downtown Mixed Use (DMU) zone, if on-site parking is not available, an alternative parking plan must be provided designating the location of off-site parking.
7. Proof of existing garbage service, with a total number of trash receptacles satisfying the requirements of Section 5.02.040 of this chapter and proof of bear box
8. Number and location of fire extinguishers, smoke detectors, and carbon monoxide alarms, and certification of compliance with Fire Code and fire safety requirements, including those pertaining to fire extinguishers, smoke detectors, and carbon monoxide alarms.
9. Date of the most recent inspection (if any) of the short-term rental conducted by the Truckee Fire Protection District pursuant to this chapter.
10. Acknowledgment that the operator has read and understood this chapter, and the Town's noise, parking, garbage collection, guest safety and operational standards.
11. If the information supplied by the operator on the application for a transient occupancy registration certificate is not consistent with Town records, an inspection may be required prior to or after the issuance of the transient occupancy registration certificate. An inspection fee shall be charged for the inspection.

E. Transient Occupancy Registration Certificate Cap.

1. Cap. Effective May 12, 2022, the total number of transient occupancy registration certificates issued shall be capped at 1,255 ("overall cap inventory"), subject to the Town Council's authority to authorize the issuance of additional certificates as set forth in subsection 2. Units listed in subsection B as not being subject to this chapter are not subject to this cap.

2. Administration of the Cap.

- a. Transient Occupancy Registration Certificate Renewal. Provided that an application for renewal of a transient occupancy registration certificate in good standing is submitted prior to the expiration date of the registration certificate, that registration certificate application will be processed, and the certificate issued and included in the cap. Timely submitted transient occupancy registration certificate renewal applications will be given priority in processing. For certificates for calendar year 2022, renewal applications from calendar year 2021 certificate holders shall be due no later than May 15, 2022. If a property owner or agent fails to submit an application for renewal prior to the May 15, 2022, deadline, the application will be treated as an application for a new registration certificate and will be placed on the waitlist described herein.
- b. New Transient Occupancy Registration Certificates. New transient occupancy registration certificate applications received prior to reaching the overall cap inventory will be processed as they are received, except as described in subsection c below. At such point that the overall cap inventory is reached, all outstanding registration certificate applications, either in process or received, will be placed on a waitlist as set forth below. For the 2022 registration certificate cycle, applications for new registration certificates will open on June 13, 2022, and applications will be processed in the order in which they are received.
- c. New Transient Occupancy Registration Certificates Prohibited for Accessory Dwelling Units, Multi-family Dwelling Units, Mobile homes, Manufactured Homes, Recreational Vehicles and Tiny Homes. No new transient occupancy registration certificates will be issued for accessory dwelling units or junior accessory dwelling units, except in the event that Town staff or the Town Council determine that this prohibition is in conflict with state law. No new

transient occupancy registration certificates will be issued for multi-family dwellings except as permitted under subsection B above. No transient occupancy registration certificate shall be issued for: (i) any mobile home, manufactured home, recreational vehicle or tiny home (as defined in Section 18.220.020 of this code) that is not fixed to a permanent foundation but rather is attached to a chassis; and/or (ii) any mobile home, manufactured home, recreational vehicle, tiny home (as defined in Section 18.220.020 of this code) or dwelling of any kind that is located in: (a) a mobile home park as defined in California Health & Safety Code Section 18862.29 as it may be amended; (b) recreational vehicle park as defined in California Health & Safety Code Section 18862.39 as it may be amended and/or Sections 18.58.150(A)(2) and/or 18.220.020 of this code; and/or (iii) a special occupancy park as defined in California Health & Safety Code Section 18862.43 as it may be amended.

- d. Change of Ownership. A transient occupancy registration certificate shall expire upon the change of ownership of property for which the certificate was issued, regardless of whether the buyer or any other person has informed the Town of the change of ownership. The new owner may apply for a new transient occupancy registration certificate after 365 days have elapsed from the purchase or other transfer of the property, unless otherwise prohibited, and subject to the cap and waitlist.
 - e. Revoked Transient Occupancy Registration Certificates. An application for a transient occupancy registration certificate for a property the registration certificate for which has been revoked will be treated as a new application and will be subject to the cap and waitlist.
 - f. For purposes of this chapter, a transient occupancy registration certificate in good standing shall mean a certificate issued for a property with no unpaid fines, taxes, or assessments.
 - g. Workforce Housing Program Certificates. Notwithstanding any provision of this chapter to the contrary, the Town Council may authorize withholding a certain number of transient occupancy registration certificates from issuance to applicants on the waitlist, and subsequently issuing transient occupancy registration certificates to developers of housing for the Truckee workforce, upon such terms as the Town Council may determine. Among other measures, the Town Council may authorize the issuance of such certificates such that the cap described herein will be exceeded, and/or the issuance of certificates prior to awarding certificates to applicants on the waitlist.
3. Waitlist. The Town will maintain a waitlist for transient occupancy registration certificate applications received or in process. The Town will continually maintain the overall cap inventory as registration certificates are not renewed or revoked. The application process will open up to those on the waitlist on a quarterly basis commencing on July 1, 2022. Applications for certificates from applicants on the waitlist will be processed as registration certificates become available based on the date of receipt of the application, starting with the oldest date, subject to the Town Council's authority to authorize the issuance of certificates in connection with the development of workforce housing prior to issuing certificates to applicants on the waitlist.
- F. Term and scope of certificate. A transient occupancy registration certificate issued under this chapter shall expire at the end of the calendar year for which it is issued, unless revoked, suspended, or expiring earlier. The certificate authorizes the operator to operate the short-

term rental only in accordance with the terms and conditions of the certificate. Subject to the provisions of Section 5.02.060 herein, a registration certificate will be renewed if prior to expiration, the following is provided: updated application information (if changes have occurred), new certifications and acknowledgments required in subsection D above, and payment of the registration fee. Renewal applications may be submitted commencing on November 1st of each year. Renewals for which applications are received after November 30th in a given year might not be received by applicants prior to January 1st, and the advertisement or operation of a short-term rental for which a renewed certificate has not been received shall constitute a violation of this chapter. Beginning with the 2023 registration cycle, if a property owner or agent fails to submit an application for renewal prior to January 1st of the calendar year, the application will be treated as a new permit and will be subject to being placed on the waitlist as set forth herein.

- G. Acceptance of registration certificate; no vested rights. Acceptance by an operator of a transient occupancy registration certificate shall constitute acknowledgment and acceptance of, and consent to: (i) the requirements and provisions of this chapter; (ii) the lack of any vested right to operate a short-term rental; and (iii) the Town's right to adopt or amend at any time restrictions on the operation of short-term rentals, including without limitation a complete prohibition on short-term rentals.

5.02.040 Operational Standards

All short-term rentals shall comply with the following standards at all times, regardless of whether a property registered as a short-term rental is being used as such on a given day and shall not generate other potential disturbances which may disrupt the peace, safety, and general welfare of the neighborhoods in which they are located.

- A. Operator responsibilities and recordkeeping. The operator shall inform guests that they must not violate the standards of this chapter. The operator shall be responsible for taking any action necessary to ensure that guests abide by the terms of this chapter and other applicable provisions of this code. The operator shall collect and maintain for each guest registration the name and contact information of the registered guest, the number of guests, and the amount of rent paid (including all ancillary charges such as cleaning charges). All such records shall be maintained for a period of three years and shall be furnished to the Town within five days upon request.
- B. Local contact person. A local contact person shall be personally available by telephone on a twenty-four (24) hour basis and shall respond by phone within thirty (30) minutes of contact by Town of Truckee employees or agents or the guest(s). Notwithstanding the foregoing, a local contact person shall be physically present at the short-term rental within sixty (60) minutes of contact, for a period of one year following any citation, notice of violation, or fine issued in connection with the operation of the short-term rental. Upon receiving a call or complaint about physical conditions or circumstances that constitute an immediate threat to the public health and safety, the local contact person shall immediately contact the appropriate law enforcement, fire, or other authority. Upon receiving any other call or complaint about the short-term rental, the local contact person shall take steps to investigate the complaint and cause the discontinuance of any violation of this chapter within sixty (60) minutes. Within sixty (60) minutes the local contact person shall submit a verbal or written explanation to the Town of Truckee describing the steps the local contact person has taken to investigate the complaint, to confirm whether a violation has occurred, and to resolve any violation that has occurred.

- C. Parking. On-site parking shall be provided for each short-term rental, except as provided in an alternative parking plan approved pursuant to section 5.02.030.D.6 of this chapter. No vehicle parked at a short-term rental (including without limitation boat trailers and recreational vehicles) may be parked on the street, in an unpaved area, or in a location or manner that does not comply with the parking plan approved by the Town for the short-term rental.
- D. Noise. All short-term rental guests shall comply with the standards of Chapter 9.20 of this code regarding noise, which provides that the standard for what constitutes prohibited unreasonable noise is stricter between the hours of 10:00 pm and 7:00 am. The nighttime noise restrictions shall be posted inside the short-term rental in a location readily visible to all guests.
- E. Trash collection. With the exception of trash properly deposited in trash collection receptacles, accumulation of trash and debris outside of a short-term rental at any time is prohibited. Weekly trash collection must be provided for each short-term rental. A minimum service level of two trash cans shall be maintained for each short-term rental, in addition to recycling service. If two trash cans is insufficient to accommodate all trash generated by occupants of the short-term rental, the operator shall arrange for whatever increased level of service is required to accommodate all trash. Except for: (i) short-term rentals for which solid waste collection is maintained at a central location operated by a homeowners association or property owners association; and (ii) short-term rentals located in a neighborhood in which trash collection service from garages or other indoor locations is required by a homeowners association or property owners association and maintained by the operator, each short-term rental shall be equipped with one or more bear-resistant trash can enclosures meeting the requirements of Section 6.01.040.E of this code and large enough to hold a minimum of two trash cans, or such larger number of cans as is required pursuant to this paragraph.
- F. Interior posting requirements. The following information shall be posted within the interior of the rental unit in a visible location: the maximum number of guests permitted, notification that trash and recyclable materials must be placed into cans provided for that purpose and where such cans are located, a summary of the Town's dog ordinance, notification that all vehicles must be parked on paved areas on the property or in a manner consistent with an alternative parking plan approved pursuant to Section 5.02.030.D.6, contact information for the local contact person, emergency evacuation information, and a notice to guests of potential financial penalties for violating the provisions of this chapter. For short-term rentals with wood-burning fireplaces or woodstoves, instructions on the safe operation of such appliances and the safe disposal of ashes shall be posted.
- G. Smoke alarms. Smoke alarms, in good working order, shall be installed at a minimum in each bedroom, each room where a bed is located, and at least one alarm on every level of the short-term rental, including basements and habitable attics.
- H. Carbon monoxide alarms. Carbon monoxide alarms, in good working order, shall be installed in accordance with current California Building Code requirements, and shall be installed in accordance with the manufacturer's installation instructions.
- I. Fire extinguisher and ash can. Each short-term rental shall be equipped with one five-pound fire extinguisher, type 3-A:40-B:C, installed at a readily available location near the kitchen. If the short-term rental has more than one level, an extinguisher must be mounted within

each level. Fire extinguishers shall be inspected annually by a certified professional to ensure the extinguishers are in good working order. Each short-term rental with a wood-burning fireplace or woodstove shall be equipped with a metal container at least five gallons in size with a tight-fitting lid, which shall be clearly labeled for ash disposal.

- J. Visible address. Each short-term rental shall have an address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Whenever the address on the short-term rental unit will not be clearly visible from the street or access road fronting the property, the address shall also be placed at the public street or access road in a manner which is clearly visible from both directions of travel on the frontage road or street. Address identification characters shall contrast with their background and conform to the minimum size requirements of the California Fire Code, Section 505.1 of the 2019 edition of which requires numbers four inches tall with a minimum stroke thickness of one-half inch. A short-term rental in a condominium building that does not have an individual address may utilize the condominium building address and need not comply with these requirements.
- K. Emergency communications. If located in an area with inadequate cellular service, each short-term rental unit shall contain a working landline phone or Voice Over Internet Protocol phone.
- L. Fire inspections and other inspections. The operator of each short-term rental shall allow Truckee Fire Protection District staff to conduct an inspection once every three years, and more often upon request by the Truckee Fire Protection District or the Town of Truckee, to ensure the short-term rental complies with: (i) the requirements of this chapter, including without limitation those pertaining to smoke detectors, carbon monoxide alarms, fire extinguishers, visible address, emergency communications, outdoor fireplaces and fire pits, and grills and barbecues; and (ii) Truckee Fire Protection District defensible space requirements. Each operator shall respond within 30 days to a request from Truckee Fire Protection District or Town staff to schedule an inspection. In addition, the operator of each short-term rental shall allow Town of Truckee staff to inspect any short-term rental upon request to ensure that the short-term rental complies with the requirements of this chapter and that the information contained in a transient occupancy registration certificate application is correct. The inspections, including reinspection's due to non-compliance and inspections prompted by complaints, are subject to the applicable Truckee Fire Protection District or Town of Truckee fees for inspections. Records of such inspections conducted by Truckee Fire Protection District shall be provided by the Truckee Fire Protection District to the Town of Truckee.
- M. Advertisements. Each advertisement for a short-term rental shall list the maximum number of occupants (excluding children under thirteen (13) years of age) permitted by the transient occupancy registration certificate or a lesser number if desired by the operator, the maximum number of parking spaces onsite or allowed offsite by an approved alternative parking plan, and the number of the transient occupancy registration certificate.

5.02.050 Prohibitions

- A. Prohibited short-term rentals. A structure or property with a recorded covenant, deed restriction or agreement restricting its use, including without limitation dwelling units with affordability restrictions, and dwelling units for which short-term rentals are prohibited, shall not be used for short-term rentals. Short-term rentals are not allowed in structures not

intended for residential occupancy under the California Building Code Standards and this code. Transient rentals are prohibited for certain accessory dwelling units, junior accessory dwelling units, and detached living areas. Further, transient rentals are prohibited in: (i) any mobile home, manufactured home, recreational vehicle or tiny home (as defined in Section 18.220.020 of this code) that is not fixed to a permanent foundation but rather is attached to a chassis; and/or (ii) any mobile home, manufactured home, recreational vehicle, tiny home (as defined in Section 18.220.020 of this code) or dwelling of any kind that is located in: (a) a mobile home park as defined in California Health & Safety Code Section 18862.29 as it may be amended; (b) recreational vehicle park as defined in California Health & Safety Code Section 18862.39 as it may be amended and/or Sections 18.58.150(A)(2) and/or 18.220.020 of this code; and/or (iii) a special occupancy park as defined in California Health & Safety Code Section 18862.43 as it may be amended, as described in Subsections 5.02.030.A (Registration Certificate Required) and 5.02.030.E.2.c (New Transient Occupancy Certificates Prohibited) above.

- B. Incidental camping. A transient occupancy registration certificate does not authorize incidental camping, which means any overnight camping, sleeping in tents or on decks attached to the short-term rental unit, or sleeping in travel trailers or recreational vehicles parked on the short-term rental property.
- C. Outdoor fireplaces. No wood burning pits, bonfires, or campfires are permitted to occur at short-term rentals. Natural gas/propane burning fireplaces and fire pits with twenty (20)-pound tanks or smaller are acceptable outside provided the device is at least ten (10) feet from a structure and any flammable materials. Notwithstanding the foregoing: (i) reduced clearance for natural gas/propane burning fireplaces and fire pits will be allowed in accordance with the manufacturer's recommendations for products listed with UL, CSA or ANSI; and (ii) reduced clearance is allowed for a built-in outdoor fireplace if construction of the built-in outdoor fireplace was authorized by a building permit.
- D. Grills and barbeques. Grills and barbeques are not permitted beneath a potentially flammable source including trees, umbrellas, decks, or other appurtenant structures. All grills and barbecues shall be no less than ten (10) feet away from a structure and any flammable materials, such as a woodpile. Notwithstanding the foregoing: (i) reduced clearance for gas grills, and barbeques will be allowed in accordance with the manufacturer's recommendations for products listed with UL, CSA or ANSI; and (ii) reduced clearance is allowed for a built-in outdoor grill or barbecue if construction of the built-in outdoor grill or barbecue was authorized by the issuance of a building permit. Charcoal grills of any type are prohibited at short-term rentals.
- E. Subletting. Guests are prohibited from subletting a short-term rental. Only operators with a valid transient occupancy registration certificate may advertise and rent a residential unit as a short-term rental.
- F. Special events. Weddings, corporate events, commercial functions, and any other similar events are prohibited from occurring at a short-term rental property, unless such events comply with all requirements of this chapter and this code generally, including without limitation requirements pertaining to occupancy limits, traffic, parking, and noise. The occurrence of any such event which violates any such requirements shall be a separate violation of this chapter, in addition to the violation created by noncompliance with such requirements.

5.02.060 Penalties; certificate denial, suspension, and revocation

It is a misdemeanor and a public nuisance that poses a threat to public health and safety, to violate any of the provisions of this chapter. Violations of this chapter are subject to the administrative citation provisions set forth in Chapter 1.03 of this code, provided that fines for violations of this chapter shall be as set forth below. Any person violating the provisions of this chapter, including without limitation guests, operators, and local contact persons may be subject to administrative and/or judicial remedies as set forth herein. The owner of a short-term rental shall be deemed responsible for all violations of this chapter occurring at the short-term rental or in connection with its operation, provided that this shall not preclude the Town from issuing fines or citations to guests, or exercising other remedies against guests, if the guests are deemed to have committed the violation. In addition, the Town shall have the authority to suspend or revoke the transient occupancy registration certificate, or to maintain an action for injunctive relief. Unless otherwise expressly provided, the remedies, procedures and penalties provided by this section are cumulative as to each other and to any others available under state law or this code. In the event of any conflict between the penalties set forth in this chapter and any penalties set forth in state law, the maximum penalties allowable under state law shall govern. Each day or portion of a day during which a violation of this chapter exists shall constitute a separate violation.

- A. Enforcement. An administrative fine not to exceed one thousand, five hundred dollars (\$1,500) may be imposed for the violation or violations of this chapter contained in a first administrative citation, a fine not to exceed three thousand dollars (\$3,000) for each violation contained in a second violation of this chapter or Chapter 3.24 within one year, and a fine not to exceed five thousand dollars (\$5,000) for each additional violation of this chapter or Chapter 3.24 within one year of the first violation. A prior citation for purposes of this section shall be an earlier administrative citation for violation of this chapter on the same property that occurred less than one year prior to the current citation, provided that a previous citation issued to a guest shall not be deemed a prior citation for purposes of calculating the penalty for a subsequent citation issued to a guest at the same property.
1. Notwithstanding Chapter 1.03 and subsection A of this section, and pursuant to the Town's authority as a charter town, the administrative fine for the operation of any transient rental without a valid transient occupancy registration certificate shall be five hundred dollars (\$500) for the first violation.
 2. Notwithstanding subsection A of this section, the \$1,500, \$3,000, and \$5,000 fines set forth therein shall not apply to: (i) a first-time offense of failing to obtain a transient occupancy registration certificate or paying a fee for that certificate; or (ii) violations committed in connection with the transient rental of a commercially operated hotel, motel, bed and breakfast inn, time-share property as defined by subdivision (aa) of Section 11212 of the Business and Professions Code, lodge, inn, camping site, space where camping or remaining overnight on a transient basis is permitted at a campground or recreational vehicle park, or the rental of anything that is not a "hotel" as defined in Section 3.24.020.
 3. Town staff shall establish a process for granting a hardship waiver to reduce the amount of the fine upon a showing by the responsible party that the responsible party has made a bona fide effort to comply after the first violation and that payment of the full amount of the fine would impose an undue financial burden on the responsible party.
- B. Denial, suspension or revocation of a transient occupancy registration certificate. An expiration of a transient occupancy registration certificate upon sale or other transfer of the

property for which the certificate has been issued shall not be governed by this subsection. The Town may deny, suspend or revoke a transient occupancy registration certificate for any of the following reasons:

1. The transient occupancy registration certificate application is incomplete, the applicant is not eligible to receive a certificate pursuant to this chapter, or the unit for which the certificate is sought is not eligible to receive a certificate pursuant to this chapter;
 2. The transient occupancy registration certificate application contains a false or misleading statement or omission of a material fact;
 3. The short-term rental, operator or guest is currently in violation of, or has been found to be in violation of, any local, state or federal laws, statutes, ordinances, rules or regulations pertaining to the operation of a short-term rental, and the violation has not been cured or the property otherwise brought into compliance, for a period of at least 30 days after the Town has notified the operator of the violation. Additionally, the holder of a suspended transient occupancy registration certificate(s) shall not be permitted to apply for a renewal of the transient occupancy registration certificate for the following year during any period in which the basis for the suspension has not been cured, remedied, or brought into compliance.
 4. The transient occupancy registration certificate of a short-term rental for which three citations have been issued for violations of this chapter within a 12-month period and not overturned on appeal, including without limitation citations issued to guests and citations issued to operators, shall be revoked, a new certificate shall not be issued and any application to join the waitlist will be denied, for a period of 12 months from the date of the certificate revocation.
 5. The operator is delinquent on any payment to the Town of any fees, penalties, taxes, or any other monies related to any short-term rental including, but not limited to, transient occupancy taxes;
 6. A transient occupancy registration certificate application may be denied due to prior revocation or suspension of a transient occupancy registration certificate;
 7. The operation of a short-term rental is a threat to the public health, safety, or welfare;
 8. The lack of a fire inspection within the preceding three years, a failed fire inspection unless documentation is provided that the conditions causing the failure were corrected and the short-term rental passed a subsequent fire inspection, or a refusal to allow a fire inspection or other inspection of the short-term rental;
 9. Absence/expiration of a transient occupancy registration certificate;
 10. Any required application fee or renewal fee has not been paid; or
 11. The overall cap on transient occupancy registration certificates has been reached.
- C. Appeal. Any operator or guest may appeal a penalty imposed pursuant to this chapter, or a denial, suspension, or revocation of a transient occupancy registration certificate, to the Town's tax administrator by filing a notice of appeal with the tax administrator within 10 calendar days of the serving or mailing of notice of the action taken. Following receipt of a notice of appeal, the tax administrator shall give not less than five days' written notice to the appellant, and to the complainant, if any, of an appeal hearing at a time and place fixed in

the notice. At such hearing, the operator or guest may appear and offer evidence why the action being appealed should be overturned or modified. After such hearing the tax administrator shall determine whether the action should be sustained, overturned, or modified and shall thereafter give written notice to the appellant in the manner prescribed herein of such determination. An operator or guest aggrieved by the tax administrator's decision regarding such appeal may appeal to the Town Council by filing a notice of appeal with the Town Clerk within 10 calendar days of the serving or mailing of notice of the tax administrator's decision and tendering a deposit for the cost of the appeal in an amount established by the Town Council. The Town Clerk shall fix a time and place for hearing such appeal, and the Town Clerk shall give notice in writing to such operator at the last known place of business or to such guest at the guest's address as set forth in the appeal. At the hearing, the appellant shall have the right to testify, to be represented by counsel, to present witnesses on the appellant's behalf, to cross-examine all other witnesses and to present oral and written documents and evidence on the issues. The findings of the Town Council are final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any fine or penalty found to be due is immediately due and payable upon the service of notice.

- D. Costs of enforcement. All money and assets collected in payment of penalties for violations of this chapter and all money and assets collected for recovery of costs of enforcement of this chapter shall be used to offset the cost of enforcement of this chapter.
- E. No duty to enforce. Nothing in this chapter shall be construed as imposing on the Town of Truckee or any employee thereof any duty to issue a warning notice, administrative or judicial citation, or notice to abate, nor to abate any violations of this chapter, and neither the Town nor any employee thereof shall be held liable for failure to issue an order to abate any violation of this chapter.

5.02.070 Changes in ownership

Transient occupancy registration certificates do not provide a vested interest in or entitlement to the continued operation of a short-term rental upon a change of property ownership, and any outstanding certificate issued for a short-term rental shall expire upon the change of ownership. The new owner of a property for which a transient occupancy registration certificate has been issued shall notify the Town upon a change of ownership of the short-term rental. Transient occupancy registration certificates shall not run with the land and shall expire upon any partial or complete transfer of ownership of a short-term rental, whether or not notice of the change in ownership has been provided to the Town.

5.02.080 Severability

The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, phrase, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances.

(Ord 2020-07 10-13-2020; 2022-02 04-12-2022; 2023-01 02-14-2023)