

**TOWN OF TRUCKEE
California**

ORDINANCE 2022-02

AN ORDINANCE OF THE TOWN OF TRUCKEE AMENDING THE TOWN OF TRUCKEE MUNICIPAL CODE BY AMENDING SECTION 3.24.060 REGARDING REGISTRATION OF SHORT-TERM RENTALS, AND CHAPTER 5.02 REGARDING REGULATION OF SHORT-TERM RENTALS AND FINDING THAT THE ORDINANCE IS NOT SUBJECT TO AND IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the Town Council recognizes that short-term rentals of houses and condominiums provide a popular lodging alternative to hotels; and

WHEREAS, the Town has previously taken steps to regulate such rentals, including through the adoption of Chapter 5.02 of the Truckee Municipal Code, and the Town Council directed Town staff to undertake further research and review of how best to regulate short-term rentals; and

WHEREAS, Town staff convened a stakeholder group to study means of regulating short-term rentals, and produced a thorough and extensive staff report discussing various aspects of short-term rentals and options for regulating them; and

WHEREAS, the Town Council finds and determines that establishing a cap on the number of transient occupancy registration certificates issued for short-term rental properties in Truckee which is equal to the existing number of certificates will serve the needs of the community by providing a balance between the demand for this form of lodging and the desires of community members to limit the numbers of properties in residential areas being used as short-term rentals; and

WHEREAS, allowing for some transient occupancy registration certificates to be provided to developers of workforce housing will promote and encourage the development of such housing, in order to help address the shortage of housing available and affordable to the local Truckee workforce; and

WHEREAS, Title 5 of the Truckee Municipal Code contains licensing and regulatory requirements for specific types of businesses, but is currently entitled "Business Licenses" in some places and "Business Licenses and Regulations" in other places, and it is desirable to harmonize the title of Title 5 wherever it appears; and

WHEREAS, existing Section 3.24.060 of the Municipal Code requires operators to obtain transient occupancy registration certificates within 30 days of commencing business, which is inconsistent with Section 5.02.030's requirement that a certificate be obtained prior to advertising or commencing operations of a short-term rental, and the two provisions should be harmonized;

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

Section 1. The recitals above are incorporated herein.

Section 2. This ordinance does not qualify as a “project” subject to the California Environmental Quality Act (“CEQA”) because the ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, § 15060(c)(2)-(3), 15378.) Notably, the ordinance serves to establish a cap on the number of transient occupancy registration certificates issued for short-term rental properties, allows for some transient occupancy registration certificates to be provided to developers of workforce housing, and harmonizes provisions of the Municipal Code relating to transient occupancy registration certificates. The ordinance will not result in any construction or any other physical change to the environment. Moreover, the ordinance does not change the land use designation or zoning for any site within the Town’s boundaries. Thus, the ordinance will not result in direct or reasonably foreseeable indirect physical changes in the environment and is not a “project” within the meaning of CEQA.

In the alternative, if the ordinance is a project subject to CEQA, the ordinance is exempt from environmental review for at least two reasons. First, and for the same reasons the ordinance does not qualify as a “project,” the ordinance falls within the “common sense” exemption because “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” (State CEQA Guidelines, § 15061(b)(3).) Specifically, and as noted above, the ordinance will not result in any construction or any other physical change to the environment, and it will not change any land use designation or zoning for any site within the Town’s boundaries. There is thus no possibility that the ordinance would have a significant effect on the environment.

Second, the ordinance falls within the Class 1 categorical exemption, which applies to the operation, permitting, and licensing of existing structures where the activity in question results in negligible or no expansion of use. (State CEQA Guidelines, § 15301.) Here, the ordinance relates to transient occupancy registration certificates issued for short-term rental properties for units that have already been constructed in the Town; accordingly, the ordinance relates to the operation, permitting, and licensing of existing structures as short-term rental properties, and the ordinance does not expand the existing use of these properties. The ordinance does not authorize the construction of new uses and does not result in land use or zoning changes, which could alter the density of development on sites where short-term rental uses could occur. In fact, the ordinance seeks to limit the number of transient occupancy registration certificates that the Town issues going forward. To the extent that the ordinance incentivizes construction of workforce housing in other areas of the Town by making available transient occupancy registration certificates to those projects, the incentive would not intensify residential development in the Town. Any new housing projects will be fully evaluated for CEQA compliance and any future transient occupancy registration certificates that are issued would have to comply with the Town’s existing regulations for short-term rental uses. The ordinance is thus categorically exempt from CEQA.

With regard to the Class 1 categorical exemption, none of the exceptions to the Class 1 exemption apply as the ordinance will not result in any physical change to the environment and will not result in any potentially significant impact. (State CEQA Guidelines, § 15300.2.)

Each of the foregoing justifications fully and independently exempts the whole of the action from environmental review under CEQA.

Section 3. Section 3.24.060 of the Truckee Municipal Code is hereby amended by amending the first sentence thereof to read:

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.

Section 4. Title 5 of the Truckee Municipal Code is hereby renamed from "Business Licenses" to "Business Licenses and Regulations." All references to Title 5 in the Municipal Code which describe the title thereof as "Business Licenses" are hereby amended to "Business Licenses and Regulations," including without limitation the references in Section 1.01.040, the table of contents for Title 5, and the heading for Title 5.

Section 5. Chapter 5.02 of the Truckee Municipal Code is hereby amended to read as set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 6. 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 7. 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 ___ day of ____, 2022, and adopted at a regular meeting of the Truckee Town Council, on the ___ day of ____, 2022; _____, moved for the adoption, the motion was seconded by _____ and was carried by the following vote:

AYES:

NOES:

ABSENT:

Courtney Henderson, Mayor

ATTEST:

APPROVED AS TO FORM:

Judy Price, MMC, Town Clerk

Andy Morris, Town Attorney

Exhibit A

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 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. Additionally, 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. 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. 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). If more than one residential unit is located on the property, the application must identify if the rental unit is the property's 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. 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). If more than one residential unit is located on the property, the application must identify if the rental unit is the property's 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 and Multi-family Dwelling Units. 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.

d. Change of Ownership. For purposes of this chapter, a "Change in Ownership" shall be as defined in Revenue and Taxation Code § 60, as it may be amended from time to time. 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 October 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 cause the discontinuance of any violation of this chapter within sixty (60) minutes.

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, 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 re-inspections 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. Further, transient rentals are prohibited for certain accessory dwelling units, junior accessory dwelling units, and detached living areas 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.

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 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.

A. Enforcement. An administrative penalty of up to one thousand, five hundred dollars (\$1,500) per day may be imposed for each violation of this chapter contained in a first administrative citation, up to three thousand dollars (\$3,000) per day for each violation contained in a second violation, and up to five thousand dollars (\$5,000) per day for each additional 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.

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;
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, and a new certificate shall not be issued 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.