

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, ADDING CHAPTER 18.73 SHORT-TERM RENTAL OF RESIDENTIAL PROPERTY TO THE INYO COUNTY CODE.

The Board of Supervisors of the County of Inyo ordains as follows:

SECTION ONE: Chapter 18.73 shall be added to the Inyo County Code shall be added to read as follows:

“Chapter 18.73

SHORT TERM RENTAL OF RESIDENTIAL PROPERTY

- 18.73.010. Definitions.**
- 18.73.020. Short-term rentals prohibited.**
- 18.73.030. Short-term rentals – General requirements.**
- 18.73.040. Permit Application**
- 18.73.050. Hosted Rental Permit Review Process**
- 18.73.060. Vacation Rental Permit Review Process**
- 18.73.070. Permit Modification and Revocation**
- 18.73.080. Enforcement**

18.73.010 - Definitions.

For purposes of this chapter, the following definitions apply:

- a. “Guestroom” means any bedroom or other separate area of a dwelling unit utilized as a sleeping area for short-term renters.
- b. “Hosted rental” means a short-term rental of a room(s) within a dwelling occupied by the owner concurrently with the transient renter(s).
- c. “Manager” means the owner or owner’s agent who conducts short-term rental activities and is available twenty-four (24) hours per day, seven (7) days per week, during all times that the property is rented as a short-term rental to respond to and handle complaints.
- d. “Owner” shall mean a record owner of the property who is responsible for submitting the application for approval and conducting short-term rental activities pursuant to this chapter. “Owner” shall further include any person or entity with any direct or indirect aggregate ownership interest of 20 percent or more in the subject property, unless the interest is solely a security, lien, or encumbrance.
- e. “Short-term rental” means to provide transient lodging in a dwelling unit, for compensation, for a period of thirty consecutive calendar days or less. “Short-term Rental” does not include transient lodging in county-approved hotels and motels.

- f. “Vacation rental” means a short-term rental of an entire dwelling unit where the Owner of the dwelling unit does not concurrently occupy the dwelling unit with the transient lodger.

18.73.020. Short-term rentals prohibited.

The short-term rental of residential property is a prohibited use in every zoning district in the County, with the exception of that permitted pursuant to this chapter.

18.73.030. Short-term rentals – General requirements.

Short-term rentals may be permitted in properties zoned Open Space (OS); Rural Residential (RR); Rural Residential Starlite; One-Family Residential (R1); and, Single Residence Mobile Home Combined (RMH) subject to the following requirements and limitations:

- a. No person shall undertake, maintain, authorize, aide, facilitate, or advertise any short-term rental activity that does not comply with the provisions of this Code.
- b. Each short-term rental shall have a Manager readily available to handle any questions or complaints during short term rental activity. Any change to the contact information for a Manager shall immediately be provided in writing to the Inyo County Planning Department, to neighboring properties with 300-feet of the short-term vacation rental, and on any postings required by this chapter.
- c. Only one hosted rental per parcel may be permitted.
- d. Only one vacation rental per parcel may be permitted.
- e. No more than two parcels on which short-term rentals are permitted may share a common owner.
- f. No more than five (5) guestrooms per dwelling unit may be permitted for short-term rental activity.
- g. Issuance of a permit pursuant to this chapter is separately required for each dwelling unit within which Short-term Rentals will occur.
- h. Short-term Rentals shall not be permitted in dwelling units that are not compliant with applicable building and safety and/or Environmental Health requirements, or in non-habitable structures, tents, RVs, treehouses, yurts, or other provisions or structures not intended for primary occupancy.
- i. Only two (2) renters are allowed per guestroom, which number does not include children three (3) years and under.
- j. A maximum of one vehicle per guestroom shall be allowed, and the owner shall provide off-street parking for all such allowed vehicles, that the renter(s) shall utilize. The owner shall ensure that the parking limitations are included in short-term rental agreements and in all related advertisements.

- k. Outdoor amplified sound is prohibited. Quiet hours shall be from 9:00 p.m. to 7:00 a.m. The host shall ensure that the quiet hours are included in rental agreements and in all advertisements.
- l. Pets, if allowed by owner, shall be secured on the property at all times. Continual barking or other nuisances created by unattended pets are prohibited.
- m. Trash bins shall be required for all permitted short-term rentals and such bins shall not be stored within public view
- n. Outdoor fire areas are only permitted in compliance with applicable state law and shall not be utilized by short-term renters during quiet hours.
- o. The short-term rental activity is subject to, and the owner shall comply with, Inyo County Code Chapter 3.20. The owner shall cause the transient occupancy registration certificate number to be included in all short-term rental agreements, and in any related advertisements.

18.73.040. Permit Application

In order to obtain a permit authorizing short-term rentals under this chapter, the owner shall submit an application and any applicable fee for a permit to the Planning Director.

- a. The application shall include:
 - 1. Proof of ownership of the subject property;
 - 2. Name, address, and contact information of the owner;
 - 3. Name, address, and contact information of all other record owners of the subject property;
 - 4. Name, address and contact information for the owner's local emergency contact representative in the event the owner is the manager and is unable to be contacted;
 - 5. A site plan prepared on an 8.5"x11" piece of paper showing that the required off-street parking spaces are provided, and the emergency access to the dwelling unit(s).
 - 6. Proof that transient occupancy registration certificate for the subject property has been applied for and/or received;
 - 7. A copy of the rules, regulations, and information that will be posted in a prominent place within six (6) feet of the front door of the short-term rental;
 - 8. A verified list of the names and addresses of the owners of all property within three hundred feet of the exterior boundaries of the property affected as shown on the last adopted tax role of the County;
 - 9. A deposit for the cost of the County mailing notice of permits granted to property owners and neighbors of an approval short-term rental within three hundred feet (300') of the subject property;
 - 10. For hosted rentals only:
 - i. A Planning Department issued neighborhood agreement form signed by each resident within a five (5) house radius, or 300-feet, whichever is less.

If the applicant is unable to obtain the required signatures, the applicant shall provide proof of his/her reasonable attempts to gather those signatures.

- b. Incomplete applications shall be returned to the applicant with an explanation of what is required to make the application complete.

18.73.050. Hosted Rental Permit Review Process

- a. The Planning Director shall review completed applications for hosted rentals. The Planning Director shall not approve the application absent a finding that the use will comply with the requirements of this Code and other applicable law. Approval of an application for a hosted rental shall be subject to the general requirements of Chapter 18.81 of this Code.
- b. As part of the hosted rental application review, the Planning Director shall consider any relevant comments received from neighboring residents and/or owners regarding the application. The Planning Director may add reasonable conditions to a hosted rental permit in order to prevent impacts of the short term rental activities from being a nuisance to the surrounding properties, including but not limited to conditions related to specific parking requirements, noise reduction measures, garbage collection, and related property maintenance issues.
- c. The decision of the Planning Director may be appealed to the Planning Commission pursuant to Chapter 18.81 of this Code. The Planning Commission shall review the application in the manner set forth for vacation rental applications in section 18.73.090.

18.73.060. Vacation Rental Permit Review Process

- a. Upon receipt of a complete application for a vacation rental, the Planning Director shall cause the application to be placed on a Planning Commission agenda for its review of the application as generally required by Chapter 18.81 of this Code. The Planning Director may provide a recommended action and/or any other relevant information to the Planning Commission as part of the agenda item. Approval of an application for a hosted rental shall be subject to the general requirements of Chapter 18.81 of this Code.
- b. The decision of the Planning Commission may be appealed to the Board of Supervisors consistent with Chapter 18.81 of this Code.

18.73.070. Permit Modification and Revocation

- a. The Planning Director may revoke or modify a short-term rental permit as follows:
 - 1. Notice and Hearing. Notice shall be mailed to the owner at the address specified in the approval application. The notice shall specify the reason(s) for the modification or revocation and shall designate a time and place of an

administrative hearing with the Planning Director no sooner than six and no later than thirty weekdays, excluding holidays, following the mailing date of the notice. The owner shall be provided the opportunity to present written and oral evidence at the hearing. Failure to appear at the hearing shall constitute a waiver of any objections to the proposed modification or revocation.

- i. Following the hearing, the Planning Director may revoke or modify the approval upon making one or more of the following findings:
 - a. The approval was obtained by fraud;
 - b. The short-term rental activity has been or is being conducted in violation of this chapter or other applicable law;
 - c. The conditions of approval have been or are being violated;
 - d. The short-term rental activity constitutes a public nuisance.

2. Notice of decision. A written notice of the Planning Director's decision shall be prepared and mailed to the owner at the address specified in the application for approval. The notice shall contain a statement directing the owner to immediately cease using the property for short-term rentals, and that failure to cease such use may be subject to further legal action and/or enforcement proceedings.

- b. Appeal. The decision of the Planning Director to modify or revoke a short-term rental application may be appealed to the Board of Supervisors consistent with Chapter 18.81 of this Code.

18.73.080. Enforcement

- a. Initial complaints. Initial complaints regarding short-term rental activity on a parcel permitted pursuant to this chapter will generally be directed to the manager identified in the short-term rental permit. The manager shall be responsible for contacting the tenant to correct the problem within ninety (90) minutes, or within forty-five (45) minutes if during quiet hours, including visiting the site if necessary, to ensure that the issue has been corrected. The property manager shall report any such complaints, and their resolutions or attempted resolutions, to the Inyo County Planning Department within twenty-four (24) hours of the occurrence. Failure to respond to complaints or report them shall be considered a violation of this section, and may constitute be cause for revocation or modification of the short-term rental permit.
- b. The County may enforce the provisions of this Chapter in accordance with Chapter 22 of this Code.”

SECTION TWO: Environmental Determination. The project was reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the County's environmental procedures, and is found to be exempt pursuant to Section 15061(b)(3) (general

rule) of the CEQA Guidelines, in that the County finds that it can be seen with certainty that there is no possibility that the passage of this ordinance amending the County Code will have a significant effect on the environment.

SECTION THREE: Severability. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

//
//
//
//
//

SECTION FOUR: This ordinance shall become effective 30 days from the date of its adoption and final passage, which appears immediately below. The Clerk of the Board of Supervisors shall post this ordinance and also publish the ordinance in the manner prescribed by Government Code section 25124 no later than 15 days after the date of its adoption and final passage. If the Clerk fails to publish this ordinance within said 15 day-period, then the ordinance shall not take effect until 30 days after the date of publication.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2017, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mark Tillemans, Chair
Inyo County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board

COUNTY COUNSEL