

## DRAFT BUTTE COUNTY SHORT-TERM RENTAL ORDINANCE (April 25, 2018)

- A. Purpose.** This section establishes a definition, permit process, rental term, site requirements, standards, and permit revocation requirements for short-term rentals to ensure that, 1) short term rentals are compatible with and do not adversely impact surrounding residential uses, 2) property owners have the option to utilize their properties for short term rental use, 3) risks to public safety and health to occupants and owners are minimized, 4) property values are maintained; 5) visitation and tourism to Butte County is supported, and, 6) transient occupancy tax is collected in order to provide fair and equitable tax collection for all lodging providers.
- B. Definitions.**
1. **Short-Term Rental.** A single-family dwelling, or a portion of a single-family dwelling, that is rented to transient guest occupants typically for periods of 30 days or less, with weekend or weekly rental periods being the most common. Short-term rentals are routinely booked for numerous periods throughout the year, with a resident or non-resident property manager providing oversight and services for guest customers.
- C. Administrative Permit Process.** Short-term rentals are subject to an administrative permit, pursuant to Butte County Code Chapter 24, Article 29, and shall be allowed as provided by the applicable zone (refer to the Use Regulation Tables for each zone to determine if short-term rentals are allowed), subject to the requirements of this section. A short-term rental administrative permit application shall include all information necessary to determine compliance with this chapter.
- D. Administrative Permit Renewal Process.** The administrative permit shall be renewed annually, based upon the anniversary date of permit issuance. The renewal process shall be subject to a fee in accordance with the latest fee schedule approved by the Board of Supervisors. The Department of Development Services shall issue a renewed administrative permit upon making the following findings:
1. No more than two citations have been issued for violations of this section during the last 24-month period;
  2. The short-term rental has not been transferred to another person, entity, or landowner;
  3. The short-term rental complies with the approved Administrative Permit and applicable Butte County Codes and Standards; and,
  4. The short-term rental is current on transient occupancy taxes and has paid all said taxes to the Butte County Treasurer-Tax Collector by the required due date.
- E. No property rights conferred.** Short-term rental administrative permits do not provide a vested interest, or entitlement in the continued operation of a short-term rental upon a change of property ownership. Short-term rental permits are revocable permits and shall not run with the land notwithstanding Butte County Code Section 24-250. Property owners must notify the Butte County Department of Development Services and the Central Collections Division of the Treasurer-Tax Collector's Department upon change of ownership. Continued operation of a short-term rental upon change of ownership will result in enforcement actions.

- F. Short-Term Rental Restrictions.** Structures not intended for permanent residential occupancy under the current California Building Code Standards are not permitted for use as short-term rentals. Farmworker housing, or property subject to a Williamson Act contract are not permitted for use as short-term rentals.
- G. Transient Occupancy Taxes.** Butte County Code Section 23-A authorizes the levy of a Transient Occupancy Tax for overnight stays at all lodging facilities. In addition, a Tourism Business Improvement District includes a tax on lodging. Short-term rental proprietors must complete a Transient Occupancy Tax Questionnaire and submit it to the Central Collections Division of the Treasurer-Tax Collector's Department with ten days of commencing business.
- H. Standards.** Short-term rentals are subject to the following operation and development standards at all times. On-site inspections by Butte County Department of Development Services staff and/or Public Health staff, or a verifiable self-certification process may be required to ensure compliance with all permit standards. By accepting an administrative permit, the owner agrees to allow on-site inspections at reasonable times.
1. **Parcel.** The short-term rental must be located on a legally created parcel. Only one single-family residence or one legally established second dwelling unit or accessory dwelling unit may be permitted as a short-term rental on a single parcel. The administrative permit shall identify the structure permitted as the short-term rental.
  2. **Appearance, Visibility, and Signage.** No alteration shall be made that would identify a dwelling as a short-term rental, and that would not preserve and protect the residential character of the dwelling or existing neighborhood. No signage pertaining to a short-term rental is allowed excepting as required below under Sub-Section H (10) (b) - Posting of Permit Standards.
  3. **Commercial Activity Prohibited.** Commercial activities and special events, including but not limited to, weddings, receptions, and large parties are prohibited. All occupants of the short-term rental shall be notified of the prohibition against commercial activities prior to the reservation, rental, or lease, and said prohibition shall be a part of any rental or lease agreement.
  4. **Building, Fire, and, Health Standards.** Short-term rentals are subject to the following development standards:
    - a. Meet the current California Building Code Standards for the intended occupancy to the satisfaction of the Butte County Department of Development Services.
    - b. Provision of potable domestic water supply, including bacteriological test results and verification of availability of adequate quantity of potable water, if an onsite well is to be used for a domestic water supply.
    - c. On-site septic system or sewer connection necessary to accommodate the short-term rental to the satisfaction of the Butte County Public Health Department.
    - d. Fire extinguishers, smoke detectors, carbon monoxide detectors, and information related to all emergency exits shall be provided inside of the short-term rental.

5. **Trash and Recycling.** Trash and recycling receptacles shall be stored out of public view and serviced on a weekly basis. After pick-up, receptacles shall be returned to storage areas within 24 hours.
6. **Noise Standards.** It is the goal of this section to preserve the quality of life and character of existing residential neighborhoods in Butte County. In accordance with the Noise Control Ordinance, Butte County Code Chapter 41A, excessive, unnecessary or offensive noise within the County is detrimental to the public health, safety, welfare and peace and quiet of the inhabitants of the County and therefore is considered a nuisance. Accordingly, noise levels at all short-term rentals shall comply with Butte County Code Chapter 41A. Noise Control, Section 41A-7 Exterior Noise Standards and Section 41A-8 Interior Noise Standards. In addition to compliance with the Noise Control Ordinance, all short-term rentals shall comply with the following requirements:
  - a. Property managers shall insure that the occupants of the short-term rental understand that loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood will result in a violation of this section.
  - b. Property managers will immediately respond to all complaints concerning noise levels at all times. Failure to respond to all verifiable complaints will result in the issuance of a citation.
  - c. Quiet hours shall be observed between 10:00 pm and 7:00 am, Monday through Friday, and 10:00 pm and 9:00 am on Saturdays, Sundays, and holidays.
  - d. Outdoor amplified sound is prohibited.
  - e. All occupants of the short-term rental shall be notified of these noise standards and said standards shall be a part of any rental or lease agreement.
7. **Occupancy and Parking.** Occupancy and parking requirements shall be specified on the administrative permit application. Table 1 and Table 2 below provide maximum occupancy and parking requirements depending upon whether the rental is served with public sewer or an on-site septic system. Additional standards for occupancy and parking are provided as follows:
  - a. **Size.** Depending on the configuration of the building and the adequacy of the potable water and on-site septic systems, short-term rentals are limited to a maximum of five rented bedrooms. Each bedroom shall provide not less than 70 square feet of floor area for the first two occupants. The total floor area requirements per bedroom shall increase at a rate of 50 square feet for each occupant in excess of two.
  - b. **On-Site Residents.** The number of on-site residents shall be subtracted from the allowed maximum occupancies shown under Table 1 and Table 2.
  - c. **Septic Systems.** The number of overnight guests for rentals served by on-site septic systems shall be based on two guests per approved bedroom, whether or not the guests sleep in a bedroom, or if more than two guests sleep in a bedroom. An approved bedroom is one recognized as such by the Butte County Public Health Department at the time the on-site septic system was legally constructed. In no case may a short-term rental served by an on-site septic system allow more than 10 overnight guests, excluding children under

3-years of age, provided the rental meets the bedroom number standards as per Table 2 below.

- d. **Parking.** Tandem parking may be permitted if parallel parking cannot be accommodated. Dimensions for parking stalls shall be in accordance with Section 24-295, Parking Design Standards.
- e. **Notification.** The property owner shall ensure that all contracts, online listings, and advertisements clearly set forth the maximum number of overnight guests permitted at the property. All occupants of the short-term rental shall be notified of these occupancy and parking standards and said standards shall be a part of any rental or lease agreement.

<b>Table 1. Maximum Occupancy and Parking Requirements Rentals with Public Sewer</b>		
Number of Bedrooms	Maximum Occupancy	Off-Street Parking
1	4	1
2	8	2
3	10	3
4	12	4
5 or more	14	5

<b>Table 2. Maximum Occupancy and Parking Requirements Rentals with On-Site Septic Systems</b>		
Number of Bedrooms	Maximum Occupancy	Off-Street Parking
1	2	1
2	4	1
3	6	2
4	8	2
5 or more	10	3

- 8. **Daytime Visitors.** For each allowed overnight occupant permitted under this section, one daytime visitor is allowed, up to a maximum of ten guests. Additional off-street parking for all daytime visitors' vehicles, in addition to overnight occupants, must be provided at a rate of one off-street parking space per two daytime visitors.
- 9. **No Overnight Camping.** A short-term rental permit does not authorize any camping, sleeping in tents, travel trailers, campers, or recreational vehicles.

10. **Property Management.** The short-term rental shall be managed and supervised in accordance with the following requirements and responsibilities:
- a. **Property Manager.** Short-term rentals must have a local property manager who is available 24-hours per day, seven days per week during all times that the property is rented. The property manager must ensure compliance with all requirements set forth in this section, including the timely response to all complaints and their resolution. The name and contact information of the property manager shall be provided on the permit application, posted inside the short-term rental and be available to any interested party upon request. Property managers shall provide Development Services with current contact information for identification on the Department of Development Services Short-Term Rentals website.
  - b. **Posting of Permit Standards.** A copy of the short-term rental permit listing all applicable standards and limits, including the name, text-enabled phone number, and email of the property manager, shall be posted inside the rental property in a prominent place within six feet of the front door. The applicable prohibitions, standards, and limits shall be a part of all rental agreements.
  - c. **Disaster Preparedness.** Property managers shall make available community evacuation information and maps for the community where the short-term rental is located as provided by the Butte County Office of Emergency Management to guest customers.
  - d. **Neighbor Notification of Administrative Permit Standards.** At the permit holder's expense, the Butte County Department of Development Services shall provide a mailed notice at the time of permit issuance to property owners within 300 feet of the subject parcel. The notice shall include all applicable standards and limitations placed upon the short-term rental, the Butte County administrative permit number, as well as the name, text-enabled phone number, and email of the property manager.
  - e. **Internet Posting and other Listings.** All advertising, marketing, online hospitality services (e.g., Airbnb, VRBO), or other types of listing for the short-term rental shall include the following information in accordance with the approved Administrative Permit:
    - I. Maximum occupancy of rental, not including children under 3 years of age;
    - II. Maximum number of off-street vehicle parking spaces located on the property;
    - III. Notification that quiet hours shall be observed between 10:00 pm and 7:00 am, Monday through Friday, and 10:00 pm and 9:00 am on Saturdays, Sundays, and holidays.
    - IV. Notification that no outdoor amplified sound is allowed; and,
    - V. The issued Butte County administrative permit number and the transient occupancy tax certificate number.

- I. **Enforcement Process.** Enforcement of this chapter shall be in accordance with Butte County Code Section 24-5 (F), Enforcement, which may include, but not be limited to, the procedures as established in Butte County Code Section 1-7 (General Penalty, Continuing Violations) and Chapter 32A (Abatement of Public Nuisances) and 41 (Code Enforcement Policies and Procedures), as well as any other procedures available in State or federal law. In no case shall the issuance of a courtesy notice or a warning notice pursuant to Section 41-2 be required for a code enforcement officer to issue a citation pursuant to this Section.
1. **Three Strikes Revocation Rule.** Three verifiable administrative citations, violations, or hearing officer determinations concerning the permit requirements issued to the owner or occupants at the property within a 24-month period will result in permit revocation. Revocation is subject to prior notice and to appeal, if requested within ten days. In the event of permit revocation, an application to reestablish a short-term rental at the subject property shall not be accepted for a minimum period of 24 months.
  2. **Complaints.** Complaints about possible violations of this section shall be directed to the property manager. If the property manager is unavailable or fails to respond, the complaining party should contact the Code Enforcement Division of the Butte County Department of Development Services.
  3. **Increased Permit Fee Penalty.** Any short-term rental that is determined to be operating without the necessary administrative permit required under this section shall be subject to a permit fee penalty of ten times the regular application fee.