

DRAFT BUTTE COUNTY SHORT-TERM RENTAL ORDINANCE (August 29, 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 property manager providing oversight and services for guest customers.
2. **Primary Residence.** An owner's permanent residence or usual place of return for housing as documented by at least two forms of identification.
3. **Host.** A person who rents their primary residence for short-term rentals under this section.
4. **Hosted Stay.** A primary residence where a resident remains on-site during the short-term rental guest's stay (except during daytime and/or work hours).
5. **Un-Hosted Stay.** A primary residence where the resident remains off-site during the short-term rental guest's stay.

C. Applicability.

1. This section applies to short-term rentals in a single-family dwelling that is a primary residence or second unit on the same parcel. This section does not allow short-term rentals in a single-family residence that is not the owner's permanent residence.
2. This section does not apply to the use of single-family dwellings when not occupied as a short-term rental.
3. Development Services shall rely upon occupancy records and other sources of information for the short-term rental in determining all potential code enforcement violations.
4. Short-term rentals located in the following communities and associated zones are not subject to the primary residency requirement under C. 1 above. These communities include seasonal vacation cabins that are not primary residences. The use of seasonal vacation cabins in these communities as short-term rentals are otherwise subject to the requirements of this chapter.

Butte Meadows

FR-5 (Foothill Residential, 5-acre minimum)

FR-1 (Foothill Residential, 1-acre minimum)

PUD (Planned Unit Development)

Jonesville

REC (Recreation Commercial)

Lake Madrone

MDR (Medium Density Residential)

LDR (Low Density Residential)

VLDR (Very Low Density Residential)

Philbrook Reservoir

TM (Timber Mountain)

- D. 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. The administrative permit application shall include all information necessary to determine compliance with this section. The application process shall be subject to a fee in accordance with the latest fee schedule approved by the Board of Supervisors.
- E. 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-strikes~~ 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 all applicable Butte County Codes and Standards; and,
 4. The short-term rental property is current on transient occupancy taxes and has paid all said taxes to the Butte County Treasurer-Tax Collector by the required due date.
- F. 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 a violation of this section.
- G. Short-Term Rental Restrictions.**
1. Short-term rentals are only allowed in a single-family dwelling that is a primary residence. Short-term rentals are also allowed in approved second units on the same property, as defined and permitted under Butte County Code Section 24-172, provided the owner of a parcel developed with the second unit resides in either the primary dwelling or second unit.
 2. Short-term rentals are not allowed in a single-family dwelling that is not a primary residence or approved second unit, structures not intended for residential occupancy under the

current California Building Code Standards, in farmworker housing, or on property subject to a Williamson Act contract.

2.3. No more than two short-term rentals may be permitted on the same parcel (e.g. a primary residence and an approved second unit), and one of the short-term rentals must be operated as a hosted stay.

H. Transient Occupancy Taxes. Butte County Code ~~Chapter~~ ~~Section~~ 23-A authorizes the levy of a Transient Occupancy Tax for overnight stays at all lodging facilities. 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 within ten days of commencing business.

I. Standards. Short-term rentals are subject to the following operation and development standards at all times. On-site inspections by Butte County or a verifiable self-certification process shall be required to ensure compliance with all permit standards. By accepting an administrative permit, the owner agrees to allow on-site inspections by the County at reasonable times.

1. **Second and Accessory Dwelling Units.** Both a single-family dwelling that is a primary residence and a second unit on the same property-parcel may be permitted as a short-term rental. Accessory Dwelling Units as defined and permitted under Butte County Code Section 24-172 shall not be permitted for use as short-term rentals. The administrative permit shall identify each of the units permitted as short-term rentals.

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~~I(10) (b) - Posting of Permit Standards.

3. **Commercial Activity Prohibited.** Commercial activities and special events, including but not limited to, weddings, receptions, and 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 provides the 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, and carbon monoxide detectors, shall be maintained in working order, 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 8 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 that is not in keeping with the character of the surrounding neighborhood will result in a violation of this section.
 - b. Property managers shall 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 strike ~~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 during quiet hours. Outdoor amplified sound is allowed during non-quiet hours but shall be kept at a volume that complies with the Noise Control Ordinance.
 - e. All occupants of the short-term rental shall be notified of the noise standards as set forth under this section 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. **Maximum Annual Nights for Un-Hosted Stays.** Un-hosted short-term rental stays shall not exceed 90 nights per calendar year.
 - c. **On-Site Residents.** The number of on-site residents shall be subtracted from the allowed maximum occupancies shown under Table 1 and Table 2.
 - d. **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.

- e. **Maximum Occupancy.**
 - 1. **Public Sewer.** Short-term rentals served with public sewer shall not exceed 14 overnight guests, excluding children under 3-years of age, provided the rental meets the bedroom number standards as per Table 1 below.
 - 2. **On-Site Septic System.** Short-term rentals served by an on-site septic system shall not exceed 10 overnight guests, excluding children under 3-years of age, provided the rental meets the bedroom number standards as per Table 2 below.
- f. **Parking.** –On-site tandem parking may be permitted if parallel parking cannot be accommodated on-site. Dimensions for parking stalls shall be in accordance with Section 24-295, Parking Design Standards. Parking spaces shall be clearly delineated on the site plan accompanying the application.
- g. **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, and the maximum number on-site parking spaces. 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.

Table 1. Maximum Occupancy and Parking Requirements Rentals with Public Sewer		
Number of Bedrooms	Maximum Occupancy	On-Site Parking
1	4	1
2	8	2
3	10	3
4	12	4
5 or more	14	5

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

8. **Daytime Visitors.** For each allowed overnight occupant permitted under this section, one daytime visitor is allowed, up to a maximum of ten daytime visitors. Additional on-site parking for all daytime visitors' vehicles, in addition to overnight occupants, must be provided at a rate of one on-site parking space per two daytime visitors.
9. **No Overnight Camping.** A short-term rental administrative permit does not authorize any overnight camping, sleeping in tents, travel trailers, campers, or recreational vehicles. Recreational vehicles are permitted if they are the primary transportation for the renter or visitor, but they may not be used for overnight accommodations during the stay.
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. For hosted stays, the resident host shall be the property manager. For un-hosted stays, the property manager may be the owner or a designee of the owner. The property manager must ensure compliance with all requirements set forth in this section, including the timely response (within 30 minutes) to all complaints and their resolution. The name and contact information (address, text-enabled phone number, and email) 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 [registry](#) 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 interior location within six feet of the front door. The applicable prohibitions, standards, and limits on occupancy shall be included.
 - c. **Disaster Preparedness.** Property managers shall make 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 available to all guest customers. Applicable community evacuation information and maps shall be posted in a prominent interior location within six feet of the front door.
 - d. **~~Short-Term Rentals in AG (Agriculture) Zones~~ Right to Farm.** Pursuant to Butte County Code Chapter 35. Right to Farm Ordinance, the County of Butte permits the operation of properly conducted agricultural operations on agricultural land within the unincorporated area of Butte County and residents or users of property located near an agricultural operation on agricultural land may at times be subject to inconvenience or discomfort arising from that operation. The County of Butte has determined in the Butte County Right to Farm Ordinance that inconvenience or discomfort arising from a properly conducted agricultural operation on agricultural land will not be considered a nuisance for purposes of the Butte County Code or County regulations, and that residents or users

~~of nearby property should be prepared to accept such inconvenience or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector. Inconveniences from on-site or adjacent agricultural uses and operations may include noise, dust, vibration, nighttime operations, light and glare, slow moving farm equipment, and odor.~~ Disclosure concerning the allowance of agricultural uses and operations, and the potential for short-term renters to experience inconveniences, shall be a part of all rental agreements and posted along with the permit standards in a prominent interior location within six feet of the front door. This disclosure shall be approved in accordance with Butte County Code Section 35-8 at the time of Administrative Permit application.

- e. **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, ~~and~~ as well as the the County website that contains the official registry of each approved Short-Term Rental. The official registry will include the property manager's name, text-enabled phone number, and email. ~~of the property manager.~~
- f. **Internet Posting and other Listings.** All advertising, marketing, online hospitality services, or other types of listing for the short-term rental shall include the following information in accordance with the approved Administrative Permit:
1. Maximum occupancy of rental, not including children under 3 years of age;
 2. Maximum number of off-street vehicle parking spaces located on the property;
 3. 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;
 4. Notification that outdoor amplified sound is only allowed during specified non-quiet hours, and is subject to the Butte County Noise Control Ordinance;
 5. Notification that commercial activities and special events, including but not limited to weddings, receptions, and parties, are prohibited; and,
 6. The issued Butte County administrative permit number and the transient occupancy tax certificate number.

J. Enforcement Process. This section contains its own enforcement process as set forth below. However, this process does not preclude other means of enforcement. Enforcement of this section may 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), 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 shall result in a notice to cease and desist operations and 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 after revocation shall not be accepted for a minimum period of 24 months.

~~1-a.~~ Prior to revocation under this section, at least two of the verified complaints leading to a citation, violation or hearing officer determination shall be filed from separate households.

2. Complaints. Complaints shall be sent by text message and/or email. Complaints about potential violations shall be directed to the host/property manager with a copy to the Department of Development Services. If the host/property manager corrects a violation upon request within 30 minutes, the violation shall not be counted as a strike under the three strikes revocation rule under this section. The host/property manager shall document the correction to the complainant, with a text or email copy provided to the Department of Development Services. If the host/property manager is unavailable or fails to correct a potential violation, the violation shall be counted as a strike. The Department of Development Services shall send notice of the strike to the host/property manager and gives the host/property manager the opportunity to respond. The Department of Development Services shall evaluate any response and communicates its determination to the host/property manager. When three strikes have been documented, the Department of Development Services shall schedule a revocation hearing to be heard by the Zoning Administrator.

3. Increased Permit Fee Penalty for Non-Compliance. Any property that is determined to be advertised for use as a short-term rental without first obtaining the necessary administrative permit required under this section shall be issued a citation and a notice to cease and desist. A permit fee penalty of ten times the regular application fee shall be applied to said property for future short-term rental administrative permit applications.