

ORDINANCE NO. 6427

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING SONOMA COUNTY CODE TO ADD SECTION 4 ARTICLE VIII ESTABLISHING A VACATION RENTAL LICENSE AND AMEND SECTION 1-7.1 ESTABLISHING CIVIL PENALTIES FOR VIOLATIONS ASSOCIATED WITH VACATION RENTAL

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Purpose and Authority. The purpose of this Ordinance is to establish a business license requirement for vacation rentals throughout the unincorporated county that enables them to operate in a manner that maintains the public health, safety, and welfare of each community and the county and as a whole. This Ordinance is adopted pursuant to California Business and Professions Code § 16100 and California Government Code § 25131.

Section II. Findings.

- A. The Board of Supervisors adopted its first ordinance regulating the transient rental of single-family homes, known as vacation rentals, in 2009 (Ordinance. 5908) and established a land use permit requirement for vacation rentals in the inland zone.
- B. Vacation rentals constitute a significant segment of Sonoma County's local tourism economy and generate a substantial amount of revenue from transient occupancy tax, which is primarily used to promote and mitigate the impacts of tourism.
- C. While the majority of vacation rentals are well operated causing minimal issues for their guests or the neighboring community, the County nonetheless receives numerous complaints related to noise, garbage, parking, septic capabilities, and public safety.
- D. Particularly in light of recent fire events, it is critical to impose heightened standards on vacation rentals related to outdoor burning and emergency evacuations.
- E. While a land use ordinance and permit are appropriate for determining suitable locations for vacation rentals, an annual business license is necessary and more suitable for imposing and enforcing non-land use health and safety standards related to the nature and ongoing operations of vacation rentals.
- F. Imposing the license requirement on existing vacation rentals is necessary to protect the public health and welfare because it adds requirements related to outdoor burning and emergency evacuation and regulations for certified property managers to ensure compliance with all standards. An annual license review will

also provide for greater oversight to ensure vacation rentals operate in a safe and compliant manner.

Section III. Vacation Rental License Ordinance.

- A. Chapter 4 of the Sonoma County Code is retitled “Amusements and Business Regulations.”
- B. Section VIII is added to Chapter 4 of the Sonoma County Code as set forth in Exhibit A, attached and incorporated by reference.

Section IV. Enforcement.

- A. Private Right of Action.** Chapter 1 (General Provisions) Section 1-7.2 of the Sonoma County Code is amended as follows:

Sec. 1-7.2. - Private right of action for certain violations.

Any person damaged by any violation of **Chapter 4 Article VIII or** Sections 7-5, 7-13, 7-17, 19A-5, 24-33, or 26-92-200 of this code may institute a civil proceeding for injunctive relief against such violation, for money damages, and for whatever other or additional relief the court deems appropriate. In any action brought pursuant to this section, the prevailing party shall be entitled to reasonable attorneys' fees and costs pursuant to order of the court. The remedies available under this section shall be in addition to, and shall not in any way restrict, any other rights or remedies available under law.

- B. Civil Penalties.** Chapter 1 (General Provisions) Section 1-7.1 (Civil Penalties) subsection (a)(5) is amended to read as follows:

Vacation Rentals. For violations associated with a vacation rental, a responsible party must pay one (1) of the following, as determined by the enforcing officer, to the county:

- i. Unauthorized Vacation Rental. For a vacation rental operating without the required land use permit or vacation rental license, 10 times the normal application fee.
- ii. Standard Violation. For each violation of a standard of the land use permit or vacation rental license, no more than \$1,500 for a first violation, no more than \$3,000 for a second violation within 1 year, and no more than \$5,000 for a third violation within 1 year.

Section V. Existing Vacation Rentals.

- A. An existing vacation rental must obtain a vacation rental license within 1 year of the effective date of this Ordinance.

- B. An existing vacation rental means a vacation rental outside the Coastal Zone with a valid vacation rental permit as of the effective date of this Ordinance.
- C. The Department may establish a policy to issue initial licenses to existing vacation rentals for a term longer than 1 year in order to stagger renewal dates. Fees will be prorated based on the license term.

Section VI. Environmental Determination. The Board of Supervisors finds and determines that this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines sections 15307 and 15308 as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment, because imposing a vacation rental license with standards that continue, add, or enhance requirements related to wastewater management, refuse management, noise, outdoor burning, and emergency evacuation will only serve to further protect natural resources and the environment from potential impacts related to vacation rentals. The Ordinance is further exempt under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that the project will have no significant effect on the environment, because the Ordinance imposes additional regulations on a currently allowed use through the imposition of a business license, makes clarifying changes to existing standards, and establishes new administrative procedures. The Director of the Permit and Resource Management Department is directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

Section VII. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section III. Effective Date. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on April 24, 2023, and finally passed and adopted on May 16, 2023, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Aye Rabbitt: Absent Gore: Aye Hopkins: Aye Coursey: Aye

Ayes: 4 Noes: 0 Absent: 1 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

M. Christina Rivera,
Clerk of the Board of Supervisors

EXHIBIT A

CHAPTER 4 ARTICLE VIII OF THE SONOMA COUNTY CODE

ARTICLE VIII – VACATION RENTAL LICENSES

Sec. 4-200 Title.

This article is known as the Vacation Rental License Ordinance.

Sec. 4-201 Purpose.

The purpose of this article is to establish standards for vacation rentals that enable them to operate in a manner that does not create a nuisance and maintains the public health, safety, and welfare of each community and the county and as a whole.

Sec. 4-202 Definitions.

The following words and phrases have the meanings provided by this section. Citations to federal and state law refer to the act, statute, or regulations as may be amended from time to time.

- A. “Certification” means the approval issued by the Director to a certified property manager.
- B. “Certified property manager” means an individual authorized by certification to manage a vacation rental.
- C. “Department” means the Permit and Resource Management Department.
- D. “Director” means the Director of the Permit and Resource Management or the director’s designee.
- E. “Individual” means a natural person.
- F. “Land use permit” means a permit authorizing a vacation rental issued under the Sonoma County Zoning Code (Chapter 26).
- G. “Operate/operating a vacation rental” includes allowing tenancy of a vacation rental, entering into a rental agreement or otherwise arranging tenancy, and advertising a vacation rental (e.g. online posting, social media, sign, flyer).
- H. “Parcel” means a legal parcel of record in compliance with the California Subdivision Map Act (California Government Code Section 66410 et. seq.) and the Sonoma County Subdivision Ordinance (Chapter 25).

- I. “Person” includes an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, tribe, or any other group or combination acting as a unit, and the plural as well as the singular.
- J. “Property owner” means a person with an ownership interest in the real property upon which a vacation rental is located or proposed. If the property is held in trust, “property owner” includes the present beneficiaries, but not the trustee, unless the trustee is also a present beneficiary. “Property owner” does not include a person with an ownership interest that is solely a security, lien, or encumbrance.
- K. “Vacation rental” means the tenancy of residential property for a term of 30 days or less that is subject to transient occupancy tax. Vacation rental does not include a hosted rental or a bed and breakfast inn.

Sec. 4-203 Administration.

This section will be administered under the direction of the Board of Supervisors, by and through the Director of the Permit and Resource Management Department subject to the standards and criteria contained in this section.

Sec. 4-204 General.

- A. **License and compliance required.** A property owner must obtain a license through the application process established by the Director prior to operating a vacation rental in the unincorporated county. A licensee must comply with the standards required by this section.
- B. **Property Owner and Licensee Requirements.**
 - 1. The licensee must be a property owner, except if the vacation rental property is held in trust, in which case the trustee may apply for a license on behalf of the trust beneficiaries.
 - 2. All property owners must be individuals.
 - 3. Each property owner must consent to the application.
 - 4. A property owner may only have an ownership interest in one licensed vacation rental at a time.
 - 5. Subsections 2 and 4 do not apply to a nonconforming vacation rental that was legally operating, or for which a land use permit application was accepted, prior to June 16, 2023.
- C. **Term and Renewal.**

1. A license expires 1 year from the date of issuance and may be renewed annually in accordance with the license renewal process established by the Director.
 2. A license or renewal will not be issued if there is an open code violation associated with a vacation rental on the parcel. An open code violation means a notice and order or administrative citation has been issued and the violation has not been abated or the costs and civil penalties have not been paid, or both.
- D. **Liability.** Nothing in this section, including the issuance of a license, nor compliance with the provisions of this section, relieves a person from responsibility for damage to other persons or property, or imposes liability upon the county, its officers, agents, or employees, for damage to other persons or property.
- E. **Other Laws and Permits.** Nothing in this section eliminates the need for a licensee to comply with local, state, or federal law, or to obtain other permits, approvals, or authorizations required by this code or state or federal agencies.

Sec. 4-205 License Standards.

A vacation rental must comply with the following:

A. **Compliance Generally.** A vacation rental must obtain zoning clearance and comply with all applicable laws and regulations.

B. **Noise.**

1. **Daytime noise.** Between the hours of 7 a.m. and 9 p.m., average noise must not exceed the following limits:
 - 50 decibels for 30 minutes in any hour
 - 55 decibels for 15 minutes in any hour
 - 60 decibels for 5 minutes in any hour
 - 65 decibels for 72 seconds in any hour
2. **Nighttime noise.** Between the hours of 9 p.m. and 7 a.m., average noise must not exceed the following limits:
 - 45 decibels for 30 minutes in any hour
 - 50 decibels for 15 minutes in any hour
 - 55 decibels for 5 minutes in any hour
 - 60 decibels for 72 seconds in any hour

3. **Decibel definition.** “Decibel” means the sound pressure relative to 20 micropascals as measured at the property line, adjusted to International Organization for Standardization ISO 226 equal loudness contours.
 4. **Outdoor amplified sound prohibited.** Outdoor amplified sound and loud impulsive sounds, such as drumming, are prohibited.
- C. **Lighting.** The property owner must submit a lighting plan that conforms to the following. Exterior lighting must be fully shielded and downward facing. Light fixtures must not be located at the periphery of the property and must not reflect off structures. Security lighting may only be motion-sensored. Flood lights and uplights are prohibited. Luminaries must not exceed 1000 lumens per fixture. Total illuminance beyond the property line must not exceed 1.0 lux. The color temperature of exterior lighting must not exceed 3000 Kelvin.
- D. **Parking.** On-street parking must conform to the Sonoma County Parking Regulations and the California Vehicle Code.
- E. **One Tenant.** A vacation rental may only be rented to 1 tenant group at a time.
- F. **Junior Accessory Dwelling Units.** A license may not be issued for a single family dwelling with a junior accessory dwelling unit, and a license is void if a junior accessory dwelling unit is developed after license issuance.
- G. **Pets.** A pet, if allowed by licensee, must be secured on the property at all times and cannot be left unattended. Guests must comply with Sonoma County leash law (Section 5-115).
- H. **Trash and Recycling Facilities.** Recycling and refuse storage bins must not be stored within public view unless in compliance with neighborhood standards. Recycling and trash receptacles must be returned to screened storage areas within 24 hours of trash pick-up.
- I. **Outdoor Burning.** Outdoor burning of solid fuels is prohibited.
- J. **Fireworks prohibited.** Possession or discharge of fireworks, as defined in California Health and Safety Code Section 12511, is prohibited.
- K. **Defensible Space.** A vacation rental property must be maintained in compliance with Chapter 13A (Duty to Maintain Defensible Space and Abate Hazardous Vegetation and Combustible Material).
- L. **Transient Occupancy Tax and Business Improvement Area Assessments.**
1. **Tax Compliance.** A licensee must maintain a transient occupancy tax (TOT) certificate and remain current on all required reports and payments for TOT and Business Improvement Area assessments (BIA).

2. Online Hosting Platform.

- i. A licensee must disclose if the vacation rental is registered with an online host.
- ii. If an online host will pay TOT and BIA on the licensee's behalf, it is the licensee's responsibility to confirm the correct amount of TOT and BIA are collected. The licensee remains liable for any TOT and BIA not collected on its behalf.
- iii. "Online host" means an online hosting platform for vacation rentals, such as VRBO, Airbnb, HomeAway, etc.

M. Emergency Access. If a vacation rental is located behind a locked gate or within a gated community, a gate code or a lockbox with keys ("Knox Box" or similar) must be provided for exclusive use by first responders.

N. Evacuation During Emergencies. Written evacuation instructions identifying the evacuation zone, evacuation route, and the Calfire Evacuation Checklist must be provided to guests and posted within the vacation rental. Guests must leave the property when a Voluntary Evacuation Order is issued for the evacuation zone. The certified property manager must inform guests when a Voluntary Evacuation Order is issued.

O. Emergency Communication. A National Oceanic and Atmospheric Administration (NOAA) Alert Weather Radio and operational telephone land line or broadband-connected VoIP phone must be provided. Instructions for operation of the NOAA Alert Weather Radio must be included in the evacuation instructions.

P. Contact Information. Licensee and certified property manager must provide the Department a current phone number, email address, and mailing address, and update the contact information as needed. This contact information may be used to address complaints, convey general program information, and serve legal notices related to violations and suspension or revocation. Messages and mail must be checked regularly.

Q. License Posting and Inclusion in Rental Agreements.

1. A copy of the license, the license standards, and land use permit must be posted inside the vacation rental in a prominent location within 6 feet of the front door.
2. A copy of the license, the license standards, and land use permit must be included in all rental agreements.

R. Advertisements. Advertising, handouts, flyers, internet listings, and any other information provided for a vacation rental must conform to the license, land use permit, and this section and include the following:

1. License number;

2. Maximum occupancy, not including children under 3 years old;
 3. Maximum number of vehicles allowed on and off site;
 4. Notification that quiet hours must be observed between 9:00 p.m. and 7:00 a.m.;
 5. Notification that no outdoor amplified sound is allowed; and,
 6. The transient occupancy tax certificate number for the property.
- S. **Owner Occupancy.** These license standards do not apply when the licensed property is occupied by the property owner. In the case of an alleged violation, the licensee has the burden of proving that the property was occupied by the property owner at the time of the violation.

Sec. 4-206 Neighbor Notification.

Following license approval or renewal, at the licensee's expense, the County will mail notice of license issuance to each property and property owner within 300 feet of the vacation rental. The notice will include a copy of the license and contact information for the certified property manager.

Sec. 4-207 Certified Property Managers.

- A. **Certified Property Manager Required.** A vacation rental must be managed by a certified property manager. A certified property manager is an individual who has successfully completed the training course and passed the certification test administered by the County. A licensee can be a certified property manager if the requirements of this section are met. A property management company cannot be a certified property manager, but may employ or work with a certified property manager.
- B. **Contact.** A certified property manager must be available to the public and the Department at all times while a vacation rental is occupied. Direct contact information for the certified property manager is required. In the event a call center or third party phone service is used, response time is measured from the time the call center or third party phone service is contacted and when the property manager contacts the tenants.
- C. **Complaint Response and Resolution.** After a certified property manager receives a complaint related to a vacation rental from either the public or the Department, the certified property manager must contact the tenants within 1 hour between 7 a.m. and 9 p.m., and within 30 minutes between 9 p.m. and 7 a.m. The certified property manager is responsible for resolving all complaints related to violation of the license, land use permit, or this section. Each complaint and its resolution must be reported to the Department within 24 hours of the complaint being received. If a certified property manager is unable to resolve a complaint related to a vacation rental, they must immediately report it to the Department.

- D. **Change in Certified Property Manager.** If the certified property manager changes, the licensee must submit a supplemental license form. The vacation rental cannot operate until the supplemental license form has been received and accepted by Department.
- E. **Delegation of Management:** A certified property manager may delegate responsibility to another certified property manager to provide coverage required by Section 4-207 B. All property managers managing a specific Vacation Rental must use the same contact information.

Sec. 4-208 Enforcement.

- A. **Violations.** An activity performed contrary to this section or a license is a violation of the Sonoma County Code and a public nuisance and may be subject to any remedies contained in Chapter 1 and any other remedies available under law.
- B. **Enforcing Officer.** The Director is authorized to enforce the provisions of this section and is the enforcing officer for purposes of Chapter 1.
- C. **Responsible Parties.** A responsible party, as defined by Sonoma County Code Section 1-7, includes the licensee, each property owner, the certified property manager, and the tenant. Under Sonoma County Code, each responsible party is jointly and severally liable for abating a violation, paying associated costs and civil penalties, and otherwise complying with an order or final determination.

Sec. 4-209 License or Certification Suspension or Revocation.

- A. **Suspension or Revocation.** The Director may suspend or revoke a license or certification in the event of one or more of the following:
 - 1. License issuance or certification was based on inaccurate or incomplete information.
 - 2. The vacation rental has operated in nonconformance with the Sonoma County Code or license.
 - 3. The vacation rental constitutes a nuisance.
 - 4. The certified property manager has not complied with the requirements of this section.
 - 5. Licensee has failed to pay fees or civil penalties associated with the vacation rental.
- B. **Notice of Suspension or Revocation.** To revoke or suspend a license or certification, the Director must issue a written notice to the licensee and certified property manager. The notice must include:

1. The address of the vacation rental;
2. License number or certification number;
3. Reason for suspension or revocation; and
4. A statement of appeal rights.

C. **Service of Notice.** A notice of suspension or revocation must be sent via email and certified mail to the licensee's and certified property manager's addresses on file with the Department.

D. Appeals.

1. **Right of Appeal.** A notice of suspension or revocation may be appealed by the licensee or the certified property manager to a hearing officer.
2. **Form and Timing.** An appeal must be made in writing and submitted to the Department within 10 calendar days from the date of the notice.
3. **Failure to Appeal.** Failure to file a timely appeal makes the suspension or revocation final and constitutes a waiver of the right to an appeal hearing and adjudication of the suspension or revocation.
4. **Appeal Hearing.** An appeal hearing must be noticed, conducted, and decided in accordance with the rules and timelines established by Section 1-7.3.
5. **Consolidation.** The Department may consolidate an appeal hearing for a notice of suspension or revocation with an appeal hearing for a related administrative enforcement action under Section 1-7.3.

E. Effect of Suspension or Revocation.

1. **License Suspension.** If a license is suspended, a vacation rental cannot operate on the parcel until the suspension expires. If the license expires during the suspension, a license application will not be accepted for the parcel until after the suspension expires.
2. **License Revocation.** If a license is revoked, a new license cannot be issued and a vacation rental cannot operate on the parcel for up to 5 years and until a new vacation rental license is issued.
3. **Certification Suspension.** If a certification is suspended, the individual cannot serve as the certified property manager for any vacation rental until the suspension expires. A vacation rental that was managed by the individual may continue to operate only if the licensee changes certified property managers in accordance with this section.

4. **Certification Revocation.** If a certification is revoked, the individual cannot serve as a certified property manager for any vacation rental for up to 5 years and until a new certification is issued. A vacation rental that was managed by the individual may continue to operate only if the licensee changes certified property managers in accordance with this section.

Sec. 4-210 Fees.

The Board of Supervisors will establish a schedule of fees for services provided under this section. Services subject to fees may include, but are not limited to, licensing, license renewal, monitoring, and enforcement. Fees may be changed from time to time by a resolution of the Board of Supervisors.