

ORDINANCE NO. 15-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, ADDING CHAPTER 5.40 (TRANSIENT RENTALS OF RESIDENTIAL UNITS) AND AMENDING SECTION 5.04.055 (DENIAL OR REVOCATION OF CERTIFICATE FOR VIOLATION) OF THE MAMMOTH LAKES MUNICIPAL CODE

WHEREAS, the transient rental of residential units has been identified as a community concern and has resulted in complaints regarding noise, trash, parking, and safety; and

WHEREAS, the Town Council of the Town of Mammoth Lakes directed staff to prepare a quality of life ordinance to include operational standards for transient rentals in response to complaints received regarding transient rentals; and

WHEREAS, staff researched other communities with similar requirements including Big Bear Lake, Mono County, Sonoma County, and South Lake Tahoe in preparing the draft quality of life ordinance for Council consideration; and

WHEREAS, the Planning and Economic Development Commission held a workshop on June 10, 2015 to discuss the proposed ordinance and take public comments; and

WHEREAS, the Town Council held a workshop on July 15, 2015 to discuss the proposed ordinance and take public comments; and

WHEREAS, the Town held public meetings on August 19, 2015 and September 2, 2015 at which time all interested persons had the opportunity to appear and be heard on the matter of amending the Municipal Code as set forth herein; and

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF
MAMMOTH LAKES, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. Recitals. The above recitals are all true and correct.

Section 2. Adoption of Amendments. The Town Council hereby amends the Mammoth Lakes Municipal Code by adopting Chapter 5.40, as set forth in Exhibit "A" attached hereto and incorporated herein by reference. Section 5.04.055 of the Mammoth Lakes Municipal Code is hereby amended to read in full as follows:

5.04.055 - Denial or revocation of certificate for violation.

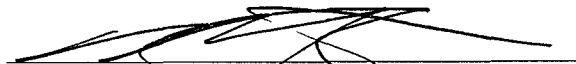
The town may deny a business license tax certificate to any person or entity who has, within the preceding one year, either: (i) been convicted of a violation of this chapter or any other provision of this code concerning payment or remission of fees, charges, or

taxes to the town; or (ii) been fined or penalized by the town using a civil or administrative process for such a violation, and who failed to appeal the imposition of the fines or penalties or whose appeal was denied. In addition, a business license tax certificate may be revoked if: (i) either criterion set forth above for denial of a business license tax certificate is met; or (ii) if the certificate holder is the operator of a transient occupancy facility as defined in Chapter 5.40 and the operator has failed to comply in any respect with the requirements of Chapter 5.40. The collector may send any person or entity meeting any of the revocation criteria described above a notice of intention to revoke the violator's business license tax certificate, provided that the effective date of the revocation shall be not less than thirty days from the date the notice is mailed. The recipient of a notice of intention to revoke may appeal the revocation to the town council within thirty days of the date of the notice pursuant to Section 5.04.260, provided that compliance with Sections 5.04.370—5.04.440 shall not be required, and the revocation shall be stayed pending the outcome of the appeal hearing.

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this ordinance, or any part thereof; is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The Town Council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 4. Effective Date. The Mayor shall sign and the Town Clerk shall certify passage and adoption of this ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this ordinance shall take effect thirty days after its final passage.

PASSED AND ADOPTED by the Town Council of the Town of Mammoth Lakes this 16th day of September 2015.


MICHAEL RAIMONDO, Mayor

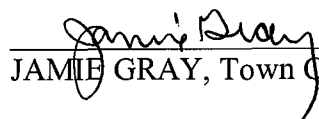

JAMIE GRAY, Town Clerk

EXHIBIT A
ORDINANCE NUMBER 15-__

**ADDING CHAPTER 5.40 (TRANSIENT RENTALS OF RESIDENTIAL UNITS)
TO THE MAMMOTH LAKES MUNICIPAL CODE**

Section 2a. Addition. Chapter 5.40 of the Mammoth Lakes Municipal Code shall read in full as follows:

Chapter 5.40 - Transient Rentals of Residential Units.

5.40.010	Purpose of Chapter
5.40.020	Permitted Use
5.40.030	Definitions
5.40.040	Sign and Notification Requirements
5.40.050	Standards and Conditions of Operation
5.40.060	Inspection Requirements
5.40.070	Violations

5.40.010 Purpose of Chapter

This chapter is intended to provide a procedure to ensure that transient rental use does not create adverse impacts to neighboring properties due to excessive traffic, noise, trash, and similar issues. Additionally, this chapter is intended to ensure that the number of occupants within such rental units does not exceed the design capacity of the structure or cause health and safety concerns and that minimum health and safety standards are maintained in such units to protect the visitor from unsafe or unsanitary conditions. This is consistent with the General Plan Vision Statement that the Town of Mammoth Lakes is committed to providing the very highest quality of life for our residents and the highest quality of experience for our visitors.

5.40.020 Permitted Use

Transient use of residential property shall be permitted as allowed by Title 17, Zoning, upon the issuance of a Business Tax Certificate and Transient Occupancy Tax Certificate pursuant to Municipal Code Sections 5.04 and 3.12. The Business Tax and Transient Occupancy Tax Certificates shall be maintained at all times. Transient uses shall comply with all applicable codes including the California Building Code and the California Residential Code and local amendments.

5.40.030 Definitions. For the purposes of this section, the following terms shall be defined as follows:

- A. "Transient Rental" means a residential structure, which is occupied, or intended or designed for occupancy, by persons for purposes of sleeping, lodging, or similar reasons for a period of 30 consecutive days or less in exchange for a fee or other consideration.
- B. "Transient occupancy facility" means any place, space or structure, or portion of any place, space or structure, which is or may be occupied, or intended or

designed for occupancy by transients for purposes of sleeping, lodging or similar use in conformance with the town's zoning regulations, and shall include, but not be limited to the following: hotel, hotel-motel, lodge; inn; dude ranch; apartment; apartment unit; condominium; condominium unit; triplex; duplex; single-family residence; cooperative; mobile home; dormitory; roominghouse; camping site; space where camping or remaining overnight is permitted at a campground, recreational vehicle park; or other similar structure, facility or space. "Transient occupancy facility" shall not include any of the following: any hospital, sanitarium, medical clinic, convalescent home, rest home, owner-occupied time share estate, owner-occupied time share use, home for aged people, foster home or other similar facility operated for the care or treatment of human beings; any asylum, jail, prison, orphanage or other facility in which human beings are detained or housed under legal restraint; housing owned or controlled by any educational institution and used exclusively by students and employees of such educational institutions, and officially recognized or approved by it; any housing operated or used exclusively for religious, charitable or educational purposes by an organization having qualified for exemption from property taxes under the laws of the state of California; any housing owned by a governmental agency and used to house its employees or for governmental purposes; any camp as defined in the Labor Code or other housing furnished by any employer exclusively for housing that employer's employees.

- C. "Operator" means the person who is a legal owner of the transient occupancy facility. "Operator" also means a person who has the legal right to possession of the premises occupied by transients. "Operator" also means any person who, through lease, mortgage, contract, license or similar legal right obtains any right to receive or collect any moneys as rent for the occupancy of the transient occupancy facility by transients. "Operator" also means any manager, agent, representative or other similar person acting on the authority of an owner of a transient occupancy facility or on the authority of any person who by reason of lease, mortgage, contract, license or similar legal right to receive or collect rent for the occupancy of the transient occupancy facility by transients, which agent, manager or representative has been authorized to receive or collect rent for the occupancy of the transient occupancy facility by transients.
- D. "Residential property" means any single- or multiple-family dwelling units, duplexes, guesthouses, caretaker units, or other dwelling unit or structure located on one or more contiguous lots of record in any of the zoning districts in Title 17 which allow residential uses. This does not include condominiums that function as hotels (i.e. condo hotels).

5.40.040 Sign and Notification Requirements. Required interior and exterior notices must be posted as described in Sections A and B below and the address of each unit must be legible from public view.

- A. **Exterior Notice.** Each transient rental shall be equipped with not more than one weatherproof identification sign, not to exceed two square feet/288 square inches

in area. The identification sign shall be displayed during time the transient rental is being rented on a transient basis (i.e. if unit is only rented out two weeks a year, identification sign only needs to be displayed during those two weeks). The required identification sign shall be attached to the transient rental in a location which is clearly visible from public view and shall clearly display all of the following information in lettering of sufficient size to be easily legible:

1. The name of the operator and a telephone number at which that party can be reached on a twenty-four (24) hour basis;
2. The maximum number of occupants permitted to stay overnight in the unit;
3. The maximum number of vehicles associated with the transient rental allowed to be parked on the property; and
4. The telephone number of the police department and the Town finance department's TOT compliance hotline.
5. By offering transient rentals the operator shall be deemed to have consented to entry upon the property by any person in order to read the identification sign.

B. **Exterior Notice – Exemption.** An exterior notice is not required if the transient rental is within a condominium complex where the contact information for the operator is readily visible to the public. Additionally, exterior notices may be displayed in a central location within a condominium complex in lieu of posting notices at each transient rental unit.

C. **Interior Notice.** Each transient rental unit shall have a notice posted within the unit in a clearly visible location, containing all of the following information:

1. The maximum number of occupants permitted to stay overnight in the unit;
2. The maximum number of vehicles associated with the transient rental allowed to be parked on the property;
3. The location of on-site parking spaces and the parking rules for seasonal snow removal;
4. Notification that an occupant, as a person responsible for an unlawful large party, may be cited and fined for creating a disturbance or for violating other provisions of this article;
5. Notification that trash and refuse shall not be left or stored on the property unless it is deposited in bear resistant containers intended for pickup by the Town's solid waste contractor. Alternatively, trash may be deposited

within a dumpster serving the property or at the transfer station for a fee. Trash information should include specific instructions on opening and securing the animal resistant dumpsters;

6. Notification that failure to conform to the parking and occupancy requirements for the transient occupancy facility is a violation of the Town's Municipal Code;
7. The name of the managing agency or agent and a telephone number at which that party may be reached on a twenty-four (24) hour basis; and
8. Physical street address of the unit and emergency contact information consisting of 911 and non-emergency contact information for the Mammoth Lakes Fire Protection District and Mammoth Lakes Police Department.
9. Evacuation plan showing exit routes, exits, and fire extinguisher locations.

5.40.050 Standards and Conditions of Operation. Transient uses shall comply with all of the following standards and conditions of operation.

- A. All applicable codes regarding fire, building and safety, health and safety, noise, and other relevant laws.
- B. Information on the permitted occupancy, parking capacity for each unit, and trash disposal requirements shall be stated in the rental information and agreement provided to prospective renters, prior to their occupancy of the unit. The operator shall restrict the parking for the transient rental so that tenants will not exceed the number of parking spaces allocated to the unit.
- C. Each operator shall have a local contact person who is available at all times to respond to questions and issues arising out of the transient occupancy. The operator shall be personally available by telephone on a twenty-four (24) hour basis to respond to calls regarding the condition and/or operation of the unit. Failure to respond to calls in a timely and appropriate manner on more than two occasions may result in revocation of the Business License Tax Certificate authorizing the use. For purposes of this chapter, responding in a timely and appropriate manner shall mean that a response to an initial call shall be made within one hour of the time the call was made, and within twenty-four (24) hours of the initial call, corrective action shall be commenced to address any violation of this section.
- D. The number of occupants in any residential unit for transient use shall not exceed the limits set forth in the California Health & Safety Code and the 1997 Uniform Housing Code. Each business license tax certificate for a transient occupancy facility shall specify the maximum number of occupants allowed.

- E. Any advertisement, including web advertising, for the rental unit must include the Business License Tax and Transient Occupancy Tax Certificate numbers.
- F. All activities shall be in compliance with the Town's Noise Ordinance (Municipal Code Chapter 8.16) and the Town's Solid Waste Ordinance (Municipal Code Chapter 8.12).
- G. Occupancy Limitations
 - 1. *Single Family Home, Town Home, Duplex.* The maximum number of persons who may occupy the property as transient renters or their overnight guests shall be limited to two persons per bedroom, plus two. Lofts that meet California Building Code egress requirements are considered a bedroom for the purposes of this occupancy calculation. In no event may the maximum occupancy exceed ten (10) persons in any rental unit unless the unit is approved by the Town of Mammoth Lakes Community and Economic Development Director for such occupancy.
 - 2. *Condominiums and All Other Unit Types.* The maximum number of persons who may occupy the property as transient renters or their overnight guests shall be limited to two persons per bedroom, plus two, unless the unit is approved for a higher maximum number of persons by the Town of Mammoth Lakes Community and Economic Development Director. Lofts that meet California Building Code egress requirements are considered a bedroom for the purposes of this occupancy calculation.
- H. Transient rental units shall not be used for activities that would exceed the maximum permitted number of occupants unless a special event permit is reviewed and approved by the Town.

5.40.060 Inspection Requirements. Any new transient use within a residential structure shall be inspected, prior to commencement of the use, by a qualified inspector authorized and approved by the Town to conduct such inspections. The inspection shall verify compliance with all standards and conditions of operation including signage requirements as well as applicable safety requirements. The operator shall submit a completed inspection form to the Town showing that the unit has passed inspection and is approved for rental. The actual cost of such inspection, plus any administrative charges, shall be paid by the operator directly to the inspector.

5.40.070 Violations.

- A. A violation of any provision of this chapter, and/or the renting of any property in a zoning district that does not allow for such transient rental, or without proper land use approvals, is subject to the General Penalty provisions and/or the Administrative Citation provisions set forth in Chapter 1.12 and Chapter 8.32 of the Municipal Code, respectively, and any other civil or administrative remedy allowed by law.

- B. Notwithstanding Chapter 1.12, the administrative fine for the operation of any transient occupancy facility without a valid Business License Tax Certificate, or the operation of any transient occupancy facility in violation of applicable zoning requirements of the town shall be five hundred dollars (\$500) for the first violation and one thousand dollars (\$1,000) for a second or subsequent violation within three years.
- C. Non-compliance by an operator of the requirements for registration and operation of transient rental units may result in the revocation of the Business License Tax Certificate authorizing the use, and no new Business License Tax Certificate may be issued to the same licensee for operation of a transient occupancy facility for a period of twelve (12) months following such revocation.

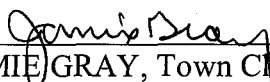
TOWN OF MAMMOTH LAKES

Notice is hereby given that on September 2, 2015 the Town Council introduced an Ordinance entitled:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,
STATE OF CALIFORNIA, ADDING CHAPTER 5.40 (TRANSIENT RENTALS OF
RESIDENTIAL UNITS) AND AMENDING SECTION 5.04.055 (DENIAL OR
REVOCATION OF CERTIFICATE FOR VIOLATION) OF THE
TOWN OF MAMMOTH LAKES MUNICIPAL CODE.

A copy of the complete text of the Ordinance is posted and may be read at the Town Offices,
Minaret Mall, Old Mammoth Road, Mammoth Lakes, and/or a copy may be obtained from the
office of the Town Clerk at a nominal charge.

Dated: September 3, 2015



JAMIE GRAY, Town Clerk
Town of Mammoth Lakes

TOWN OF MAMMOTH LAKES

Notice is hereby given that on September 16, 2015 the Town Council adopted an Ordinance entitled:

ORDINANCE NO. 15-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,
STATE OF CALIFORNIA, ADDING CHAPTER 5.40 (TRANSIENT RENTALS OF
RESIDENTIAL UNITS) AND AMENDING SECTION 5.04.055 (DENIAL OR
REVOCATION OF CERTIFICATE FOR VIOLATION) OF THE
TOWN OF MAMMOTH LAKES MUNICIPAL CODE.

by the following vote:

AYES: Councilmembers Richardson, Wentworth, Mayor Pro Tem Raimondo, and Mayor Bacon

NOES: None

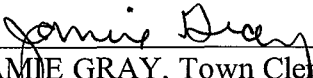
ABSENT: Councilmember Fernie

ABSTAIN: None

DISQUALIFICATION: None

A certified copy of the complete text of the Ordinance is posted and may be read at the Town Offices, Minaret Mall, Old Mammoth Road, Mammoth Lakes, and /or a copy may be obtained from the office of the Town Clerk at a nominal charge.

Dated: September 17, 2015



JAMIE GRAY, Town Clerk
Town of Mammoth Lakes

STATE OF CALIFORNIA)
COUNTY OF MONO)
TOWN OF MAMMOTH LAKES) ss.

I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Ordinance No. 15-05, which was introduced at a meeting of the Town Council of the Town of Mammoth Lakes, California, held on September 2, 2015 by the following vote:

AYES: Councilmembers Bacon, Fernie, Wentworth, Mayor Pro Tem Richardson, and Mayor Raimondo

NOES: None

ABSENT: None

DISQUALIFICATION: None

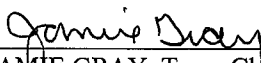
and adopted at a meeting held on September 16, 2015 by the following vote:

AYES: Councilmembers Bacon, Wentworth, Mayor Pro Tem Richardson, and Mayor Raimondo

NOES: None

ABSENT: Councilmember Fernie

DISQUALIFICATION: None



JAMIE GRAY, Town Clerk

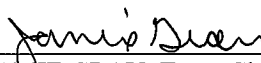
STATE OF CALIFORNIA)
COUNTY OF MONO)
TOWN OF MAMMOTH LAKES) ss.

AFFIDAVIT
OF PUBLISHING
AND POSTING

JAMIE GRAY, being first duly sworn, deposes and says: That she is the duly appointed Town Clerk of the Town of Mammoth Lakes; that in compliance with State laws of the State of California, Ordinance No. 15-05 being:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,
STATE OF CALIFORNIA, ADDING CHAPTER 5.40 (TRANSIENT RENTALS OF RESIDENTIAL UNITS)
AND AMENDING SECTION 5.04.055 (DENIAL OR REVOCATION OF CERTIFICATE FOR VIOLATION)
OF THE TOWN OF MAMMOTH LAKES MUNICIPAL CODE.

was published in summary in The Sheet newspaper on September 11, and 25, 2015, and was posted at the Town Administrative Offices.



JAMIE GRAY, Town Clerk