

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 26 OF THE SONOMA COUNTY CODE TO CLARIFY AND SIMPLIFY THE VACATION RENTAL PERMIT ORDINANCE, AMENDING THE X COMBINING DISTRICT TO ENABLE A CAP ON VACATION RENTALS, AND AMENDING CHAPTER 26C OF THE SONOMA COUNTY CODE TO REGULATE VACATION RENTALS IN THE COASTAL ZONE

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 amend the vacation rental zoning ordinance to enhance clarity and accommodate a new business license requirement for vacation rentals to ensure they operate in a manner that maintains the public health, safety, and welfare of each community and the county and as a whole. The purpose of this Ordinance is also to amend the X Vacation Rental Exclusion Combining District to allow imposition of a cap on vacation rentals. This Ordinance is adopted pursuant to California Government Code § 65850 et seq.

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. The Board of Supervisors held public meetings on December 15, 2021, and July 20, 2021, at which it directed staff to revise the County's Vacation Rental Program, including studying and developing regulations for the County's Coastal Zone;
- C. Following extensive public outreach with a diverse array of stakeholders, the Planning Commission held duly noticed public hearings on March 17, 2022, and May 5, 2022, on proposed changes to the Vacation Rental Program;
- D. 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.
- E. 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.

- F. It is necessary to the public health and welfare to regulate non-land use health and safety standards related to the nature and ongoing operations of vacation rentals through a vacation rental business license program and thus to simplify the zoning ordinance accordingly to ensure vacation rentals are properly located.
- G. Overconcentration of vacation rentals reduces housing stock and contributes to increased housing costs for both renters and buyers and in some areas can adversely affect residential character, neighborhood stability, public safety, and quality of life. Applying a cap on vacation rentals in certain areas can provide a balance between enabling the use and minimizing its potential negative impacts.
- H. Eliminating vacation rentals in the low-density residential zoning district (in addition the medium and high-density residential districts) is particularly critical to retaining valuable housing stock and protecting neighborhood character as these urban residential zones provide lower-cost housing, are more densely developed, and house residents of all ages.
- I. Vacation rentals in the Coastal Zone serve an important role in providing access to coastal resources; however, vacation rentals are not currently subject to use-specific regulations in the Coastal Zone and sensible regulations are required to protect environmental resources, address nuisance, and protect the public health and safety.
- J. This Ordinance is consistent with the overall goals, objectives, and policies of the General Plan, particularly related to balancing the interests of permanent residential housing stock and vacation rentals. This Ordinance carries out the provisions of Housing Element Program 6, which states that “The County will review and consider revisions to the Vacation Rental Ordinance to limit conversion of permanent housing stock and make vacation rental uses more compatible, and to facilitate enforcement when necessary.” Regulation of vacation rentals is also consistent with Policy HE-1j, which states “Avoid the loss of residential land in urban land-use designations for vacation or time-share uses” and Policy HE-1k, which states “Continue to regulate the use of existing residences on residential lands for vacation rentals”.

Section III. Definitions. Chapter 26 (Zoning Code) Section 26-04-020(V)(1) is amended to read as follows:

Vacation rental. 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.

Section IV. Residential Zones Allowed Uses. The “Lodging: Vacation Rentals” line of the land use table in Chapter 26 (Zoning Code) Section 26-08-030 is amended to read as follows:

Land Use	AR Zone	RR Zone	R1 Zone	R2 Zone	R3 Zone	Use Regulation
Lodging: Vacation Rentals	P	P	-	-	-	26-28-160

Section V. Vacation Rental Permit Standards.

- A. Chapter 26 (Zoning Code) Section 26-88-120 (Vacation Rentals) is repealed.
- B. Chapter 26 (Zoning Code) Section 26-28-160 (Lodging: Vacation Rentals) is repealed and replaced with the provisions in Exhibit A, attached and incorporated by reference.
- C. Vacation rental permit applications submitted prior to May 10, 2022, will be processed in accordance with the provisions of the Zoning Code in effect at the time their applications were accepted.

Section VI. X Combining District. Chapter 26 (Zoning Code) Article 79 (Vacation Rental Exclusion Combining District) is repealed and replaced with the provisions in Exhibit B, attached and incorporated by reference.

Section VII. Coastal Zone. The following changes will become effective upon certification by the California Coastal Commission:

- A. The following program is added to the Development Element of the Local Coastal Plan:

Establish performance standards for the use of existing residences for vacation rentals and hosted rentals. In developing standards consider; requirements for designated property managers, safety, parking, noise, and number of guests allowed for daytime and nighttime occupancy.
- B. Chapter 26C (Coastal Zoning Resource Districts) Section 26C-325.10 is added as provided in Exhibit C, attached and incorporated by reference.

Section VIII. 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 requiring a vacation rental permit and a vacation rental license that impose 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 also adds these standards in the Coastal Zone where vacation rentals are currently unregulated. Additionally, the Ordinance allows for there to be a cap on vacation rentals in specified areas to reduce impacts to natural resources and the environment that could occur from overconcentration of 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 project further regulates a currently allowed use, makes clarifying changes to existing standards, and establishes the potential for new limits on vacation rental concentration. 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, passed, and adopted this 2nd day of August, 2022, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Rabbitt: Coursey: Hopkins: Gore:

Ayes: Noes: Absent: Abstain:

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

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors

EXHIBIT A

Sec. 26-28-160. Lodging: Vacation Rentals.

A. **Definition.** Vacation rental means the tenancy of residential property for a term of 30 days or less that is subject to transient occupancy tax.

1. Excludes: Hosted rentals and bed and breakfast inns.

B. **Permits.** Zoning permit and vacation rental license (Chapter 4 Article VII) required.

C. Standards.

1. **Permit Term.** A vacation rental permit automatically expires upon sale or transfer of the parcel.

1. **Allowable Structures.** A vacation rental is only allowed in the following:

- i. A detached single family dwelling unit.
- ii. A detached single family dwelling unit together with its legally established guest house.

2. **Restricted Structures.** A vacation rental is not allowed in the following:

- i. A structure subject to a recorded governmental restriction, including covenants or agreements for an affordable housing unit, agricultural employee unit, farmworker housing, or a farm family dwelling.
- ii. A structure on a parcel under a Land Conservation (Williamson) Act contract.
- iii. A timeshare.
- iv. Any dwelling unit on a lot created pursuant to Government Code § 66411.7 or local ordinance adopted to implement Government Code § 66411.7.
- v. Any dwelling unit created pursuant to Government Code § 65852.21 or local ordinance adopted to implement Government Code § 65852.21.
- vi. An accessory dwelling unit or junior accessory dwelling unit.

3. **Maximum Occupancy.** Maximum occupancy for a vacation rental is up to 2 guests per bedroom, plus 2 additional guests per property, up to a maximum of 12 guests, not including children under 3 years old.

4. **Wastewater Treatment Systems.** If a vacation rental is on a conditional or non-standard septic system, or a septic system with capacity limited by a voluntary repair, the maximum occupancy is calculated using the number of bedrooms the septic system is designed to serve. Where no record exists showing size and capacity of the septic system, maximum occupancy is limited to 4 guests, not including children under 3 years old.
5. **One Vacation Rental per Parcel.** Only 1 vacation rental is allowed per parcel.
6. **Parking.**

- i. Parking spaces must be provided as follows:

Number of bedrooms in the vacation rental	Number of required parking spaces
1 or 2	1
3 or 4	2
5+	3

- ii. Required parking spaces must be provided on-site, except that 1 required parking space may be provided on-street.
- iii. Where there is no on-site parking the maximum occupancy is limited to 4 guests, not including children under 3 years old.
- iv. An on-site parking space must be at least 9 feet by 20 feet.
- v. On-street parking must conform to the Sonoma County Parking Regulations and the California Vehicle Code.
- vi. A vacation rental permit cannot be issued where there is no on-site parking or on-street parking within 500 feet of the parcel.

EXHIBIT B

Article 79. X Vacation Rental Exclusion and Cap Combining District.

Sec. 26-79-005. Purpose and Applicability.

The purpose of this district is to exclude or limit concentration of vacation rentals in the following areas:

- (a) Areas where there is inadequate road access or off-street parking;
- (b) Areas where the prevalence of vacation rentals is detrimental to the residential character of neighborhoods;
- (c) Areas where the residential housing stock is to be protected from conversion to visitor-serving uses;
- (d) Areas where, because of topography, access or vegetation, there is a significant fire hazard.
- (e) Areas where residential character is to be preserved or preferred; and
- (f) Other areas where the board of supervisors determines that it is in the public interest to prohibit the establishment and operation of vacation rentals.

Sec. 26-79-010. Vacation Rental Exclusion.

- (a) Vacation Rental Exclusion. The X district may be applied to exclude new vacation rentals.
- (b) Permitted Uses. Where the X district excludes new vacation rentals, uses permitted in the base zoning district are allowed, except for a new vacation rental under Section 26-28-160.

Sec. 26-79-020. Vacation Rental Cap.

- (a) Vacation Rental Cap. The X district may be applied to cap vacation rentals at 5% of the single-family dwellings in the proposed X district boundaries when the cap is imposed. Where calculation of the cap results in a fractional number, the cap is rounded down to a whole number.
- (b) Permitted Uses. Where the X district caps vacation rentals, uses permitted in the base zoning district are allowed, except for a new vacation rental under Section 26-28-160 whenever the cap is met or exceeded.

EXHIBIT C

Sec. 26C-325.10. Vacation Rentals.

A. **Definition.** Vacation rental means the tenancy of residential property for a term of 30 days or less that is subject to transient occupancy tax.

1. Excludes: Hosted rentals and bed and breakfast inns.

B. Permits.

1. Required. Zoning permit and vacation rental license (Chapter 4 Article VII) required.
2. Exceptions. A vacation rental permit is not required until the parcel transfers ownership if the vacation rental was legally operated between September 2, 2017, and September 2, 2022, as demonstrated by payment of transient occupancy tax and additional documentation as required by the Department.

C. Standards.

1. **Permit Term.** A vacation rental permit automatically expires upon sale or transfer of the parcel.
1. **Allowable Structures.** A vacation rental is only allowed in the following:
 - i. A detached single family dwelling unit.
 - ii. A detached single family dwelling unit together with its legally established guest house.
2. **Restricted Structures.** A vacation rental is not allowed in the following:
 - i. A structure subject to a recorded governmental restriction, including covenants or agreements for an affordable housing unit, agricultural employee unit, farmworker housing, or a farm family dwelling.
 - ii. A structure on a parcel under a Land Conservation (Williamson) Act contract.
 - iii. A timeshare.
 - iv. Any dwelling unit on a lot created pursuant to Government Code § 66411.7 or local ordinance adopted to implement Government Code § 66411.7.
 - v. Any dwelling unit created pursuant to Government Code § 65852.21 or local ordinance adopted to implement Government Code § 65852.21.

- vi. An accessory dwelling unit or junior accessory dwelling unit.
- 3. **Maximum Occupancy.** Maximum occupancy for a vacation rental is up to 2 guests per bedroom, plus 2 additional guests per property, up to a maximum of 12 guests, not including children under 3 years old.
- 4. **Wastewater Treatment Systems.** If a vacation rental is on a conditional or non-standard septic system, or a septic system with capacity limited by a voluntary repair, the maximum occupancy is calculated using the number of bedrooms the septic system is designed to serve. Where no record exists showing size and capacity of the septic system, maximum occupancy is limited to 4 guests, not including children under 3 years old.
- 5. **One Vacation Rental per Parcel.** Only 1 vacation rental is allowed per parcel.
- 6. **Parking.**
 - i. Parking spaces must be provided as follows:

Number of bedrooms in the vacation rental	Number of required parking spaces
1 or 2	1
3 or 4	2
5+	3

- ii. Required parking spaces must be provided on-site, except that 1 required parking space may be provided on-street.
- iii. Where there is no on-site parking the maximum occupancy is limited to 4 guests, not including children under 3 years old.
- iv. An on-site parking space must be at least 9 feet by 20 feet.
- v. On-street parking must conform to the Sonoma County Parking Regulations and the California Vehicle Code.
- vi. A vacation rental permit cannot be issued where there is no on-site parking or on-street parking within 500 feet of the parcel.

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ADDING SECTION 4 ARTICLE VIII TO THE SONOMA COUNTY CODE ESTABLISHING A VACATION RENTAL LICENSE

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; however, in the Coastal Zone there are currently no health and safety standards specific to vacation rentals.
- 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 D, attached and incorporated by reference.

Section IV. 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 violation of certain business, building, zoning, and public health regulations.

Any person damaged by any violation of Chapter 1 Article VIII or Sections 7-5, 7-13, 7-17, 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.

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: 1) a vacation rental outside the Coastal Zone with a valid vacation rental permit as of the effective date of this Ordinance; or 2) a vacation rental in the Coastal Zone that began legally operating prior to the effective date of this Ordinance.

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 and applies those protections to vacation rentals in the Coastal Zone 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 the 2nd day of August, 2022, and finally passed and adopted this 2nd day of August, 2022, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Rabbitt: Coursey: Hopkins: Gore:

Ayes: Noes: Absent: Abstain:

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

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors

EXHIBIT D

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), or Coastal Zoning Code (Chapter 26C).
- 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 prior to September 2, 2022.

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. **Night time 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 266 equal loudness contours.

4. **Amplified sound prohibited.** Amplified sound and loud impulsive sounds such as fireworks or drumming are prohibited.
- C. **Parking.** On-street parking must conform to the Sonoma County Parking Regulations and the California Vehicle Code.
- D. **One Tenant.** A vacation rental may only be rented to 1 tenant group at a time.
- E. **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).
- F. **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.
- G. **Outdoor Burning.**
 1. Outdoor burning of solid fuels is prohibited.
- H. **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.
- I. **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.
- J. **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.

K. 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.

L. 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.

M. 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.

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. A call center or third party phone service is not allowed.
- C. **Location.** A certified property manager must reside within 30 road miles of all vacation rentals they manage.
- D. **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 10 p.m., and within 30 minutes between 10 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.
- E. **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.

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 at least 2 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 at least 2 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. XX-XX 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.