

ORDINANCE NO. ()

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 _____, and finally passed and adopted on _____, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Rabbitt: Gore: Hopkins: Coursey:

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:

Christina Rivera,
Clerk of the Board of Supervisors