

CHAPTER 20.165 - ACCESSORY USE (SHORT-TERM VACATION RENTAL)

PURPOSE

The purpose of this ordinance is to establish appropriate standards for the short-term rental of single-family dwellings in Mendocino County; to provide accommodation in areas where visitor accommodations are limited, and bolster supplemental income opportunities for long-term permanent residents by allowing them the ability to undertake Room & Board activities. Furthermore, this ordinance exists to minimize potential negative secondary effects on surrounding residential neighborhoods through the application and notification process; allow home-owners additional economic opportunity; provide for the health and safety of guests; and ensure the payment of required transient occupancy taxes and associated fees.

OVERVIEW

In Mendocino County, short-term rentals are allowed in any zoning district where residential use-types are permitted. Short-Term Vacation Rentals can be undertaken either as a 'Vacation Home Rental' or as 'Room and Board.' A business license to operate the short-term rental business is required and must be renewed annually. Rentals for more than 30 consecutive nights (by the same visitors) are not subject to short-term rental regulations or subject to hotel (transient occupancy) taxes. 'Vacation Home Rentals' are required to obtain a Minor Use Permit if the residence is to be utilized for more than 120 days per year.

GENERAL REQUIREMENTS

- A. No person shall operate a short-term rental unless they have first obtained a business license from the County of Mendocino.
- B. No person shall operate a short-term rental without the consent of the property owner.
- C. Upon issuance of a short-term rental permit, the County will notify all owners of property within three hundred (300) feet of the permitted property, as well as any lot owner's association or other organization responsible for the maintenance of private road access, if appropriate. The notice will be in writing and contain the location of the short-term rental dwelling unit and full contact information of the permittee or designated on-site manager.
- D. The applicant must submit in writing that any association or entity responsible for the enforcement of the constraints, conditions, covenants, or restrictions pertinent to the subject property, does not prohibit short-term rental activities. The statement shall provide contact information for the entity, or a letter of approval allowing the applicant to proceed.

HEALTH AND SAFETY REQUIREMENTS

- A. No permittee shall allow any conferences, retreats, weddings, fundraisers, or similar gatherings at the short-term rental dwelling unit, unless specifically permitted.
- B. No permittee shall, for compensation, provide lodging for more than eight people at any property operating as a short-term rental business.
- C. Each short-term rental shall be in compliance with all applicable laws and regulations, including but not limited to, the California Residential Code, California Fire Code, and all County-issued permits. In addition, no permittee shall provide lodging in any of the following residential use types:
 - 1. Family Care Unit
 - 2. Travel Trailer or Camper

3. Farm Employee Housing
 4. Private Garages or Storage Structures
 5. Junior Accessory Dwelling Units
 6. Class-K "Owner-Build" within one year of the issuance of a certificate of occupancy
- D. Smoke alarms pursuant to the 2013 California Residential Code or its successor are required in the following locations:
- a. In each sleeping room.
 - b. Outside each separate sleeping area in the immediate vicinity of the bedroom(s).
 - c. At least one alarm on each story, including basements and habitable attics.
- E. Carbon monoxide alarms pursuant to the 2013 California Residential Code or its successor are required in the following locations:
- a. In each sleeping room.
 - b. Outside each separate sleeping area in the immediate vicinity of the bedroom(s).
- F. Liability insurance is required for the short-term rental business to operate within Mendocino County. Each owner shall maintain at least \$500,000 in liability insurance on the vacation rental while the vacation rental is occupied.
- G. The permittee shall ensure that renters are aware of and follow any applicable parking regulations and noise ordinances of any property operating as a short-term rental business.

TAXES AND FEES

- A. Each owner shall be in compliance with County Code, including all required payments of transient occupancy tax for each short-term rental they operate.
- B. Each owner shall keep true and accurate records of the number of nights the vacation rental is rented and the amounts paid by tenants. Each owner shall retain such records for at least two years.

CONDITIONAL USE-PERMIT

- A. Beginning on January 1, 2019, the permittee of a 'Vacation Home-Rental' shall not, provide lodging for more than an aggregate of one-hundred and eighty (120) days per calendar year without first obtaining a minor-use permit. Without an issued minor use permit, the permittee shall be prohibited from operation in excess of 120 days per calendar year.
 - a. The County may impose conditions on the permit as necessary to protect the public health, safety, and welfare:
 - i. The conditions that the County may impose on the Vacation Home Rental include, but are not limited to:
 1. Requiring a manager/designated contact who resides locally to respond to complaints;
 2. Reducing the number of guests that are allowed to lodge at the dwelling unit, or limiting access during specific times of year.
 3. Reducing the number of vehicles allowed.
 4. Ensuring adequate emergency plan and evacuation standards are prepared.

GOOD NEIGHBOR POLICIES AND NOTIFICATION

- A. Notice of the short-term rental shall be mailed or delivered, at least ten (10) days prior to the approval, to all persons, including businesses, corporations, or other public or private entities, shown on the last equalized assessment role as owning real property within three hundred (300)

feet of the project which is the subject of the proposed use.

- a. The notice will include a description of the proposed use, information regarding the regulations governing short-term rentals in Mendocino County, and the process for submitting complaints pertaining to Planning and Building codes and ordinances in the unincorporated areas of Mendocino County.
- B. If at any time the Department of Planning and Building determines that a law related to a Permit is being violated, the Department of Planning and Building may issue a notice of violation or an administrative citation(s) pursuant to Mendocino County Code Chapter 1.08 and notify other interested public agencies or County departments of such violations. After the violation(s) have been cured, the correction must be confirmed.
- C. The Department of Planning and Building determines that the Permittee is in violation of one (1) or more laws related to the Permit, and that the Permittee is unlikely or unable to correct such violation(s). The Department of Planning and Building may make a determination that a Permittee is unlikely to correct a violation if:
 - (a) The Permittee has failed to correct any single code violation within ten (10) days of the initial notice, or such other time period otherwise specified in the pertinent notice of violation, administrative citation, or related writing; or
 - (b) The Permittee has received three (3) or more notices of violation or administrative citations, on separate occasions, within a twelve (12) month period, which may or may not pertain to the same violation, recurring violation, or different violation; or
 - (c) The extent of, severity of, or conditions surrounding one (1) or more violations make it clear that the Permittee was not acting in good faith to abide by the laws related to the Permit.