

Mono County Community Development Department

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

Short-Term Rentals General Plan Amendment Workshop

SECTION I: PROPOSED ISSUES, OPPORTUNITIES AND CONSTRAINTS AMENDMENTS

Countywide

16. The short-term rental market (i.e., rentals for less than 30 days) in residential neighborhoods has exploded worldwide, exhibiting a 15x growth rate from 2008 to 2016. The market is dynamic and seasonal, and rentals have become mainstream. No “silver bullet” exists; a variety of creative solutions and mechanisms are needed to address the complexity of the issue. [\(Also see June Lake Issues, Opportunities and Constraints for more details based on an extensive public engagement effort.\)](#)
17. The short-term rental phenomenon in residential neighborhoods has some basis in the idea that excess assets can be rented to or shared with others, potentially for a fee that benefits the owner. Given the growth in the short-term rental market, the market has evolved from a small-scale supplemental sharing model to a full investment or business model.
18. Very few legal mechanisms exist that require accountability by online rental platforms, and some of these platforms are lobbying for regulations at the State level to limit local government power. As a result, a regulatory solution is not likely to emerge by regulating online platforms any time soon unless legal proceedings are pursued.
19. Differentiating between neighborhood impacts of illegal rentals vs. legal rentals is difficult, and the court of public opinion often does not recognize a difference. The County has received very few complaints and had only one enforcement case to date against regulated and properly permitted short-term rentals.
20. Local governments like Mono County are challenged to provide cost-effective enforcement, whether rentals are legal or illegal, due to: 1) rental properties spread across many hosting platforms; 2) listings being highly dynamic, constantly changing and requiring frequent monitoring and tracking; 3) data not easily accessible through the hosting platforms, making acquisition of addresses, owners, frequency of renting, etc., very difficult; and 4) hosting platforms that prevent property owners from including permit data on their listing. A multi-pronged enforcement effort is needed to be successful and should be coordinated across County departments.
21. Industry data indicates short-term rentals will not stop if they are banned or prohibited. They will continue to be an issue that potentially impacts neighborhoods and requires a County response.
22. The increase in short-term rentals in single-family residential areas has the potential to further reduce the already-limited housing stock available for workforce housing.

23. Short-term rentals (rentals less than 30 days) in single-family residential areas meet a tourism market need and have the potential to utilize existing units for additional visitor accommodations, rather than units remaining vacant and not contributing to the local economy. According to census data, Mono County has the second-highest vacation home ownership percentage of counties in the state.

June Lake – Community Development: Land Use

16. In recognition of the complexity, controversy, and sometimes personal nature of the impacts of short-term rentals, Effort is being made to avoid the trap of “yes” vs. “no” in policy and regulatory solutions, which often results in a polarized discussion that does not delve into nuances of how to best tailor policies and regulations to solve problems and take advantage of opportunities.
17. In order to provide opportunity for public input, develop and identify any consensus/common ground in the best interests of the community, engage residents in conversations about the character of their neighborhoods, and seek certainty and finality regarding short-term rentals, over 50 hours of community workshops were held supported by over 200 hours of staff time since December 2016. Workshops included education on the existing industry/market, County regulations and identification of community character; technical considerations and issues of individual neighborhoods; concerns and negative impacts; opportunities and benefits; and potential solutions; and the input was used as the basis for funneled into the development of policies and regulations.
18. Concerns expressed about short-term rentals include disruption of the sense of neighborhood, impacts to quality of life, inappropriate behavior and lack of respect for the neighborhood by renters, lack of enforcement, poor management, reduction in workforce housing units and property values, reduction in safety, inequitable competition for traditional hotels/motels, private road ownership and liability, road conditions, inadequate ingress and egress, small lot sizes, and environmental and wildlife issues.
19. Opportunities expressed about short-term rentals include meeting a tourism market need, economic development for June Lake, tax revenue for the County, assisting homeowners in keeping and upgrading their properties, the potential for reduced impact compared to long-term rentals, accountability and enforcement through regulation, protecting property rights, and educating, socializing with, and serving as ambassadors to visitors.

SECTION II: PROPOSED COUNTYWIDE LAND USE ELEMENT POLICY AMENDMENTS:

Objective 1.L. Regulations of short-term rentals in residential neighborhoods are needed to protect residential character and quality of life, as well as capture potential benefits to the extent possible.

Policy 1.L.1. Approvals of Type I and Type II short-term rental approvals-operationsare shall be specific to issued to the property owner and non-transferrable-do not run with the land. Sale or transfer of the property, or the property no longer meets the definition of a Type I rental per 25.020, renders the approval to operate the rental null and void.

Action 1.L.1.a. The following permits are required to operate a short-term rental: 1) a Use Permit pursuant to Chapter 25, and 2) a Vacation Home Rental Permit pursuant to Chapter 26. The Vacation Home Rental Permit shall be specific to the property owner and non-transferrable.

Policy 1.L.2. Short-term rentals in single-family residential neighborhoods should support a model for the supplemental sharing of excess assets, rather than a full business or investment model.

Action 1.L.2.a. Only the property owner may apply for a short-term rental permit, and the owner is the party directly responsible for the management of the unit.

Action 1.L.2.b. Short-term rental permits shall be limited to one per person or entity and one per parcel.

Policy 1.L.3. In addition to reasonable opposition by the neighborhood, short-term rentals applications may be ~~prohibited-denied~~ in neighborhoods with certain safety and/or infrastructure characteristics that are not compatible with visitor use, or where conflicts with other regulations exist.

Action 1.L.3.a. Short-term rentals applications may be ~~prohibited-denied~~ where one or more of the following safety or infrastructure conditions exist:

- Emergency access issues due to a single access point to/from the neighborhood (see Safety Element, Objective 5.D. and subsequent policies, and Land Use Element 04.180).
- Access to the parcel, in whole or part, includes an unimproved dirt road (e.g., surface is not paved or hardened with a treatment) and/or roads are not served by emergency vehicles.
- The majority of parcels in a neighborhood/subdivision are substandard or small (less than 7,500 square feet), potentially resulting in greater impacts to adjacent neighbors and/or changes to residential character.
- Current water or sewer service is inadequate or unable to meet Environmental Health standards.

~~**Action 1.L.3.b.** Short-term rentals may be prohibited in the following neighborhoods due to small parcels and/or emergency access issues: Petersen Tract and Williams Tract.~~

Action 1.L.3.c. Opposition by a Homeowner's Association (HOA) Board on a short-term rental application shall be considered and may constitute reasonable neighborhood opposition. The HOA Board should send a Board-approved comment letter on the project to the County prior to the public hearing or testify at the hearing.

Action 1.L.3.d. Uses on federal lands (e.g., Forest Service cabins) are governed by federal regulations, and the County's current understanding is that short-term rentals are allowed up to two weeks. These rentals are required to comply with County transient occupancy tax requirements.

Policy 1.L.4. To support the tourist economy, short-term rentals are allowed in a limited form, and additional opportunities could be explored.

~~**Action 13.M.6.a.** The Rodeo Grounds development could potentially be an appropriate location for short-term rentals, and the opportunity should be explored. (Moved to June Lake policies section.)~~

Action 1.L.4.a. Support an even playing field; e.g., equitable regulations and taxation, between hotels/motels and short-term rentals to support existing commercial lodging facilities.

Policy 1.L.5. Expand the enforcement effort to be more proactive, comprehensive, and include a larger suite of tools and methods, subject to County resource availability.

Action 1.L.5.a. Implement an education campaign regarding short-term rentals, which may include a flyer in property tax bills or other County mailings/communications, posting regulations on hosting websites (e.g., Airbnb's "Responsible Hosting" webpage), refocus the County's related webpage, information via Mono County tourism marketing and the Chamber of Commerce, and local media articles.

Action 1.L.5.b. Consider pProvide inge for a private right of action for property owners within 100' of a short-term rental, similar to the City and County of San Francisco, which may be resolved in small claims court and does not provide for attorney fees recovery.

~~**Action 13.M.7.c.** Consider a “three strikes” mandatory permit revocation policy, similar to Steamboat, CO and Santa Fe, NM. Comment: Staff recommends deleting.~~

Action 1.L.5.c. Provide an anonymous reporting hotline for illegal rental activity and complaints.

Action 1.L.5.d. The County shall, resources permitting, invest in technology, systems, and services to support identification of violations, tracking, enforcement actions, and other compliance issues.

Action 1.L.5.e. The County shall, within legal constraints, coordinate information between departments such as Community Development, Environmental Health, Tax Collector, Sheriff, and Assessor, to ensure comprehensive permitting, taxing, approvals, and enforcement.

~~**Action 13.M.7.g.** Require permit numbers to be posted in the title of any short-term rental advertisement, including online and any other promotional materials. (Moved to Chapter 26 section.)~~

~~**Action.** Existence of a listing for an unpermitted unit is *prima facie* evidence of a violation. (Moved to Chapter 25.)~~

~~**Action 13.M.7.i.** To support accountability, an annual permit renewal, certifications, fees, and any other requested information shall be required for short-term rental permits as follows:~~

- ~~● An annual self-certification under penalty of perjury of compliance with all requirements in the June Lake Area Plan and Chapter 26.~~
- ~~● Review of any complaints, violations, or other problems.~~
- ~~● Owner must confirm/update management contact information, to be kept on file by the Community Development Department.~~
- ~~● Payment of fees, as established by the Board of Supervisors, for staff time.~~
- ~~● Failure to submit annual report by deadline would result in a delinquency letter and additional fee.~~
- ~~● After 45 days from the delinquency letter, failure of an owner to meet all requirements in this section shall be deemed a violation and the permit shall not be renewed.~~

SECTION III. PROPOSED JUNE LAKE AREA PLAN POLICY AMENDMENTS

Delete old Policy 13.A.3. ~~Consistent with the intent Chapter 25 of the Land Use Element, approve Transient Rental Overlay Districts (TRODs) only within June Lake residential neighborhoods exhibiting support for allowing transient rental of single-family homes.~~

Objective 13.M. To balance the character of single-family residential neighborhoods and the tourist economy, utilize a mix of best practices, creative solutions, and regulatory mechanisms, as guided by public input and engagement, to address the complexity of short-term rentals.

Policy 13.M.1. Short-term rentals are subject to Chapter 25 and 26 of the General Plan Land Use Element, with the following specifications based on the context of individual neighborhoods (see map), which vary in character.

Action 13.M.1.a. Prohibit Type I and Type II rentals in the Williams Tract and Petersen Tract.

Action 13.M.1.b. Defer short-term rental housing decisions for the Highlands to the appropriate tract map and specific plan procedures.

Action 13.M.1.c. No public input was received from the Dream Mountain neighborhood, and therefore short-term rentals may be permitted subject to the discretionary permit(s) for short-term rentals and June Lake area plan policies.

Action 13.M.1.d. In the Clark Tract, Type I ~~and Type II~~ rentals may be permitted ~~year-round on Nevada Street/Silver Meadow~~, subject to the discretionary permit(s) for short-term rentals and June Lake area plan policies. ~~year-round on Nevada Street/Silver Meadow and summer only~~ In the rest of the Clark Tract, only Type I rentals may be permitted subject to the discretionary permit(s) for short-term rentals, June Lake area plan policies, and the following additional requirements: summer only (April 16 through October 31), the number of approvals shall be limited to with a maximum cap of 8 parcels total (3% of existing parcels) including existing Transient Rental Overlay Districts (TRODs), and. ~~New~~ Type II rentals are prohibited. See Chapter 26 for other operational requirements specific to the Clark Tract.

Action 13.M.1.e. In the South 158 neighborhood, new Type II rentals are prohibited. The CAC was evenly split on Type I rentals, and therefore Type I's may be permitted subject to discretionary permit(s) for short-term rentals and June Lake area plan policies.

Action 13.M.1.f. Type I and Type II rentals may be permitted in the Leonard Avenue neighborhood subject to discretionary permit(s) for short-term rentals and June Lake area plan policies. ~~Type II rental approvals are specific to the owner (not the property) in the Leonard Avenue neighborhood.~~

Action 13.M.1.g. The Rodeo Grounds development could potentially be an appropriate location for short-term rentals, and the opportunity should be explored.

SECTION IV. REVISIONS TO LAND USE DESIGNATIONS

Revisions to some Land Use Designations are necessary for internal consistency within the existing Chapter 25. Ideally, these changes would have been made when Chapter 25 was adopted in March 2017.

For Single Family Residential (SFR), Estate Residential (ER), Rural Residential (RR), Multi-Family Residential Low (MFR-L), and Rural Mobile Home (RMH) land use designations, add "Short-term rentals (see Chapter 25)" under "Uses Permitted Subject to Use Permit."

Add a footnote to the SFR short-term rental use that specific June Lake Area Plan policies apply to this use.

SECTION V. EDITS TO EXISTING GENERAL PLAN CHAPTER 25 & 26 (countywide):

DEVELOPMENT STANDARDS

CHAPTER 25 – SHORT-TERM RENTALS

Sections:

- 25.010 Intent.
- 25.020 Establishment of Type I Short-term Rental: Owner-Occupied.
- 25.030 Establishment of Type II Short-term Rental: Not Owner-Occupied.
- 25.040 Notice requirements.
- 25.050 Uses permitted.
- 25.060 Uses permitted subject to director review
- 25.070 Uses permitted subject to use permit
- 25.080 Additional requirements

25.010 Intent.

In recognition of the demand by visitors for diverse lodging options, this chapter is intended to establish a process to permit short-term rentals for single-family units that do not exhibit reasonable opposition by neighbors who may be directly affected, and when consistent with applicable Area Plan policies.

25.020 Establishment of Type I Short-Term Rental: Owner-Occupied

Type I short-term rentals are owner-occupied or associated with an owner-occupied principal residence. This rental includes an entire dwelling unit or, if only part of the unit, includes at a minimum a sleeping room (with shared full bathroom). Rental is limited to a single party of individuals, and the owner is required to be present during the rental. The short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to a Use Permit (see Chapter 32) and a Vacation Home Rental Permit (see Chapter 26), if consistent with applicable Area Plan policies, and must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel.¹⁴ Fees for appeal of Type I Use Permit decisions shall be waived. ~~The use Vacation Home Rental Permit for this rental shall run with the owner and not the land, and shall terminate upon a change of ownership. Fees for appeal of Type I Use Permit decisions shall be waived.~~

25.030 Establishment of Type II Short-Term Rental: Not Owner-Occupied

Type II short-term rentals include rental of an entire dwelling unit that is not concurrently occupied by the owner or on the same parcel as a principal residence concurrently occupied by the owner. The short-term rental use may be established on any parcel (or group of parcels) with a single-family unit, meeting the requirements of 25.060, and having land use designation(s) of SFR, ER, RR, MFR-L or RMH. The short-term rental must be consistent with applicable Area Plan policies, must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel, and must have adequate year-round access.

In addition to the requirements of this chapter, initiation and application for a Type II short-term rental (except in June Lake, see below) shall be processed in the same manner as any land use redesignation (see Ch. 48, Amendments I. General Plan Map/Land Use Designation Amendments). The land use designation followed by the letters STR (e.g., SFR-STR) would indicate a Type II short-term rental is permitted.

In June Lake only, Type II short-term rental approvals are subject to a Use Permit (see Chapter 32) and a Vacation Home Rental Permit (see Chapter 26), consistent with applicable Area Plan policies, and shall not require a land use

redesignation. To facilitate clarity, Type II permits in June Lake shall be referenced as "Type II-A." Type II-A rentals must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel. The Vacation Home Rental Permit, consistent with Chapter 26, shall run with the owner and not the land, and shall terminate upon a change of ownership.

25.040 Notice requirements.

A. Notice shall be given to owners of surrounding properties and published in a newspaper of general circulation 30 days in advance of a public hearing.

B. "Surrounding property," for the purposes of this planning permit, shall be defined as those properties that fall within a 500-foot radius ~~measured drawn~~ from the nearest limits of the project parcel that is subject of the land use application. If a contiguous parcel (or parcels) are under the same ownership as the project parcel, the 500-foot radius shall be measured from the limits of all contiguous parcels under the same ownership. If a property is located more than 500 feet from the boundary of the parcel, but may be directly affected by any land use application on the subject parcel, then that property owner may also be noticed. Further, any property owners or residents, regardless of their location or proximity to the parcel subject to a land use application, may receive notice as long as they submit their request in writing to the Planning Division more than 10 days in advance of the hearing. Such notice shall be given ~~to those properties~~ at least 120 days in advance of the hearing by mail, electronic mail, or other noticing means provided by Government Code, to all persons whose names and addresses appear on the latest adopted tax roll of the County or have requested noticing.

25.050 Uses permitted.

The following uses shall be permitted with a short-term rental approval, plus such other uses as the commission finds to be similar and not more obnoxious or detrimental to the public safety, health and welfare:

A. All uses permitted in the underlying land use designation.

B. Where the principal use of the subject parcel(s) is single-family residential, the residence or any accessory dwelling unit on the parcel(s) may be rented on a short-term basis subject to the requirements of 25.070.

25.060 Uses permitted subject to director review.

All uses permitted subject to director review in the underlying land use designation with which the short-term rental is combined shall be permitted, subject to director review approval.

25.070 Uses permitted subject to use permit.

All uses permitted subject to use permit in the underlying land use designation with which the short-term rental is combined shall be permitted, subject to use permit approval.

25.080 Additional requirements.

Any person or entity that leases, rents, or otherwise makes available for compensation, a single-family or multi-family residence located within an approved short-term rental established by this chapter, for a period of less than thirty (30) days, must first obtain a vacation home rental permit and comply with all applicable requirements of that permit, as set forth in Chapter 26, Transient Rental Standards and Enforcement.

Parcels located within conditional development zones (avalanche) shall not be allowed short-term rentals during the avalanche season, November 1 through April 15.

Any form of advertising for an unpermitted short-term rental unit is prohibited.

Delete footnote 14: ~~The June Lake Area Plan will be revised shortly after the adoption of this chapter to identify appropriate areas for short-term rentals. Until the Area Plan revision is complete, no short-term rental applications shall be processed for June Lake. After Area Plan revision, applications can be accepted and evaluated for consistency with June Lake Area Plan policies per 25.010, 25.020, and 25.030.~~

DEVELOPMENT STANDARDS

CHAPTER 26 – TRANSIENT RENTAL STANDARDS & ENFORCEMENT

NOTE: CHAPTER 26 MAY BE CONVERTED TO A SECTION IN THE MONO COUNTY CODE

Sections:

26.010	Purpose and Findings.
26.020	Vacation Home Rental Permit.
26.030	Application and Issuance of a Vacation Rental Permit.
26.040	Standards and Requirements.
26.050	Rental Agreement and Owner Responsibility.
26.060	Compliance with Transient Occupancy Tax Requirements.
26.070	Enforcement.
26.080	Existing and Otherwise Permitted Rentals.
26.090	Unauthorized Rentals Prohibited.

26.010 Purpose and Findings.

- A. The purpose of this chapter is to implement procedures, restrictions, and regulations, and to provide for the payment of transient occupancy tax and applicable fees for the transient rental of properties within Transient Rental Overlay Districts (TRODs) and short-term rentals designated pursuant to Chapter 25 of the Mono County General Plan and to provide enhanced enforcement tools to address unauthorized transient rentals countywide.
- B. The Board of Supervisors finds that allowing transient rentals within areas of the county designated for residential use will provide a community benefit by expanding the number and types of lodging available to visitors to Mono County, increasing the use of property within the county, and providing revenue to property owners so that the units may be maintained and upgraded.
- C. The Board of Supervisors also finds that the operation of transient rentals within residential communities should be regulated in order to minimize fire hazard, noise, traffic, and parking conflicts and disturbance to the peace and quiet. The Board further finds that current enforcement tools have been ineffective to address the illegal operation of transient rentals countywide, primarily because the penalty amount is easily offset by the revenue such uses generate.

26.020 Vacation Home Rental Permit.

Any person who rents a residential structure that is not a condominium (hereinafter "rental unit" or "property") within an area of the county designated as a transient overlay district or short-term rental on a transient basis shall comply with the provisions of this chapter, the Mono County General Plan, and any applicable area plans or specific plans. Transient rental of a private residence within a transient overlay district or in a short-term rental without a valid vacation home rental permit is a violation of this chapter.

26.025 Transfer of Vacation Home Rental Permit Prohibited.

A Vacation Home Rental Permit is issued to the owner of the property where the rental shall be conducted and is not transferrable or otherwise assignable to another party, including a new owner. Sale or transfer of the property renders an existing Vacation Home Rental Permit null and void.

26.030 Application and ~~Procedure Issuance of~~ for a Vacation Home Rental Permit.

- A. Applicant. An applicant for a vacation home rental permit shall be ~~either~~ the owner of title to the subject property ~~or his or her expressly authorized representative. The authorization shall be in writing and notarized.~~
- B. Application. An application for a vacation home rental permit shall be on a form that may be obtained from the Department of Finance or the Community Development Department. The following requirements and approvals must be met and substantiated before a vacation home rental permit will be issued:
1. The rental unit must be located ~~on a property with the appropriate land use approvals within an area of the county designated as a transient overlay district;~~
 2. The rental unit must comply with the standards and requirements as set forth in section 26.040, and any other requirement provided by this chapter. An inspection to verify compliance with such requirements shall be the responsibility of the owner ~~or designated property manager.~~ The owner ~~or property manager~~ shall certify in writing, under penalty of perjury, the rental unit's conformance to such standards. Such certification shall be submitted to the Mono County Community Development Department prior to permit issuance;
 3. ~~The applicant must~~ A designate the management company or property manager for the rental unit who will be available on a 24-hour basis to address any problems that may be associated with the property or the transient users of the property may be designated for Type I rentals at the owner's discretion, and shall be required for Type II and Type II-A rentals. The management company or property manager must be duly licensed, including, but not limited to, a California real estate license and certified property manager credentials, and shall be in good standing with the County. Alternatively, the property owner may serve as the property manager for Type I rentals. The owner shall immediately notify the Community Development Department of any changes to management contact information;
 4. The property must be certified by the Community Development Department as complying with parking requirements and any applicable land use regulations set forth in the Mono County General Plan;
 5. A Mono County business license must be obtained by the owner and must remain active during all times that the property is used as a transient rental;
 6. Any required fees must be paid in full; and
 7. A Mono County Transient Occupancy Tax Certificate must be obtained by the owner from the Department of Finance and will be issued at the time the vacation home rental permit is issued and all conditions of approval have been met.

C. Approval: The Vacation Home Rental Permit is evaluated and approved at a noticed public hearing by the Board of Supervisors.

1. In the case of a new use permit application under Chapter 25, the Vacation Home Rental Permit is processed concurrently, to the degree possible, with the use permit application.

2. If the property changes ownership, the new owner may apply for a new Vacation Home Rental Permit under the land use approval for the property. The new Vacation Home Rental Permit shall be evaluated and considered at a noticed public hearing by the Board of Supervisors.

D. Limitations on Permits: The number of Vacation Home Rental permits issued shall be limited when specified in Area Plans (e.g., June Lake). The Community Development Department shall develop an equitable process to distribute Vacation Home Rental permits within the established caps or limits.

E. Renewal: An annual self-certification of property ownership, management contact information, and continued compliance with Chapter 26 is due concurrently with business license renewal, on a form provided by the Community Development Department, and with the associated fee. If the renewal form and fee are not received by business license renewal deadlines, the Vacation Home Rental permit shall be expired.

F. The Vacation Home Rental permit number shall be posted in the title of any short-term rental advertisements, whether online or in other promotional or advertising materials.

26.040 Standards and Requirements.

The following standards and requirements must be met in order to obtain a vacation home rental permit and to maintain that permit in good standing:

- A. Health and Safety Standards. The purpose of these standards is to establish minimum requirements to safeguard the public safety, health, and general welfare from fire and other hazards, and to provide safety to firefighters and emergency responders during emergency operations. These standards include without limitation:
 1. The address of the rental unit must be clearly visible;
 2. Carbon monoxide and smoke detectors must be installed and maintained in good operating condition in each bedroom, sleeping area, or any room or space that could reasonably be used as a sleeping area, and at a point centrally located in the corridor or area giving access to each separate sleeping room;
 3. All stairs, decks, guards, and handrails shall be stable and structurally sound;
 4. The rental unit shall be equipped with a minimum of one 2A:10B:C type fire extinguisher with no more than 75 feet of travel distance to all portions of the structure; there shall be no fewer than one such extinguisher per floor. Fire extinguishers shall be mounted in visible locations with the tops of the fire extinguishers mounted between 3 and 5 feet above the floor and shall be accessible to occupants at all times. California State Fire Marshal annual certification tags must be provided and be current on all extinguishers;
 5. If there is a fireplace or solid-fuel barbecue, the rental unit shall be equipped with a minimum five-gallon metal container with a tight-fitting lid for ash removal. This container shall be clearly labeled and constructed to meet the purpose of containing ash. Instructions on the proper disposal of ash shall be stated in the rental agreement and clearly posted in the rental unit. The ash container shall not be placed on or near any furniture or other combustible material; ashes must be wet down thoroughly with water;

the ash can must be stored outdoors with a minimum of 3 feet clearance from building, porch, trees, and other combustible materials; the lid must remain on the ash container when in use;

6. Wall or baseboard heaters in the rental unit shall be in good working condition, and instructions on the proper use of these units shall be clearly stated in the rental agreement and posted in the rental unit;
7. Furniture and any other material that may be flammable shall be kept a minimum of 54 inches from any fireplace opening and 30 inches from any wall or floor heaters;
8. Flammable or hazardous liquid or materials, firearms, controlled substances, or any unlawful material shall not be stored in the rental unit.
9. The roof and grounds of the transient rental property shall be kept clear of accumulations of pine needles, weeds, and other combustible materials;
10. Any locking mechanism on exterior doors must be operable from inside the unit without the use of a key or any special knowledge. If the dwelling unit is greater than 3,000 square feet in area, two exit doors shall be required, each of which shall conform to this requirement;
11. All fixtures, appliances, furnaces, water heaters, space heaters, plumbing, wiring, electrical, propane or gas connections, doors, windows, lighting, and all parts of the structure and furnishings (interior and exterior) must be in operable working condition and repair;
12. If telephone service is available, there shall be a telephone connected to the local carrier and in working condition for use in the event of an emergency or to contact the owner or property manager. The phone shall be connected to the reverse 911 directory. If there is no telephone service available, then the rental agreement must so state;
13. Bedroom windows shall be operable and free of obstructions to allow for emergency escape and rescue;
14. There shall be at least one screened window per bedroom to allow for proper ventilation;
15. All utilities (electric, gas, water, sewage, etc.) shall be connected, in good operating condition, and connected to approved sources.;
16. Any hot tubs, pools, and spas shall be fenced or equipped with a cover with locking mechanisms, and shall be maintained in a safe and sanitary condition;
17. There shall be no evidence of pest infestations, and all firewood and other stored items shall be kept in a neat and clean condition;
18. Exits shall be kept free from storage items, debris or any impediments at all times;
19. No tree limbs are allowed within 10 feet of any chimney or flue openings;

20. Spark arresters of a minimum opening size of 3/8-inch and a maximum opening size of 1/2-inch shall be required on all fireplace flue openings; and
21. If any applicable law, rule, or regulation enacted after the enactment of this chapter imposes requirements more stringent than those set forth herein, such requirements shall apply.

B. Sign and Notification Requirements.

1. Exterior Sign and Notice. Each rental unit shall be equipped with one temporary exterior identification sign not to exceed 8 ½ x 11 inches in size that shall be posted as long as the unit is being rented on a transient basis. This identification sign shall be placed in a location that is clearly visible from the front entrance of the unit, and may be illuminated in a manner that does not conflict with any County exterior lighting standards or signage standards. This sign shall clearly state the following information in lettering of sufficient size to be easily read:
 - a. The name of the managing agency, agent, property manager or owner of the unit and the telephone number where said person or persons can be reached on a 24-hour basis;
 - b. The maximum number of occupants permitted to stay in the unit; and
 - c. The maximum number of vehicles allowed to be parked on the property. A diagram fixing the designated parking location shall be included.
2. Interior Notice. Each rental unit shall have a clearly visible and legible notice posted within the unit adjacent to the front door that shall contain the same information set forth above, and shall additionally include the following:
 - a. Notification and instructions about the proper disposal of trash and refuse, including any bear-safe disposal requirements;
 - b. Notification and instructions concerning the proper use of any appliances, fireplaces, heaters, spas, or any other fixture or feature within the unit;
 - c. Notification that failure to conform to the parking, trash disposal and occupancy requirements for the rental unit shall be a violation of this chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty;
 - d. Notification that any violation of rules or regulations set forth in the Rental Agreement may be a violation of this Chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty; and
 - e. Physical street address of the unit and emergency contact information consisting of 911, the property manager's phone number, and contact information of the local fire department and the Mono County Sheriff's Department.

f. An evacuation plan and a statement regarding respect for adjacent property owner's rights, neighborhood character, and trespassing concerns.

- C. Occupancy. The maximum number of persons who may occupy the property as transient renters or their overnight guests shall be limited to two persons (2) per bedroom plus two additional persons. In no event may the maximum occupancy exceed 10 persons in any rental unit unless the unit is certified and approved by the Mono County Building Official as meeting all applicable building standards for such occupancy. Additionally, occupancy may be further restricted by the limitation of the septic system serving the dwelling as determined by Mono County Environmental Health.
- D. Parking. Parking requirements shall be based on the parking requirements set forth in the Mono County General Plan, and the number of vehicles shall not exceed the number of parking spaces. Parking requirements for the rental unit shall be noticed in the rental agreement and posted on and in the unit. There shall be no off-site or on-street parking allowed, and parking on property owned by other persons shall be considered a trespass. A violation of this section may subject any person to administrative, civil and criminal penalty, including fines and towing of any vehicle, as authorized by state and local law.
- E. Trash and Solid Waste Removal. A sufficient number of trash receptacles shall be available. Trash and other solid waste shall not be allowed to accumulate in or around the property and shall be removed promptly to a designated landfill, transfer station or other designated site. For purposes of this paragraph, promptly shall mean at least one time per week during any week that the unit is occupied, regardless of the number of days it is occupied. Any trash receptacles located outside a unit shall be in bear-proof containers (in areas with bears) and comply with County standards. Trash removal requirements for each rental unit shall be included in the rental agreement and posted on and in the property. Property management shall be responsible for the cleanup if the tenants do not properly dispose of trash in bear-proof containers.
- F. Snow Removal. Snow removal from driveways, walkways, stairs, decks, and all exits and entrances shall be performed prior to each occupancy period, and during any occupancy period as needed to maintain the functionality of these areas. Snow removal from driveways, pathways, exits and entrances, and removal of snow, ice, and ice dams from roofs, decks, and stairs shall be performed in a timely manner as necessary to protect any person who may be using or visiting the rental unit.
- G. Other Requirements. In addition to the foregoing sections, the following requirements shall be met:
- Exterior lighting fixtures shall comply with Chapter 23 – Dark Sky Regulations, which shall require existing fixtures to be replaced or retrofitted to be compliant.
 - Owner or property manager must be able to respond within a reasonable timeframe, preferably within an hour.
 - Quiet hours from 10 pm to 7 am, and ~~no~~ outdoor amplified sound is prohibited at all times.
 - ~~Outdoor parties are prohibited, including but not limited to special events, outdoor events, lawn parties, weddings, and similar activities.~~
 - If applicable, the owner shall notify lender of change in use to short-term rental and provide verification to County upon request.
 - For Type I permits, in order to rent a detached and separate unit, the property owner must occupy the other unit ~~on the property~~ consistent with the definition of a Type I rental in 25.020.
 - Landline phone service is required, and owner must disclose the limited service by cell phone carriers.
 - A "hideaway" key or other access is required in the event a guest is locked out.

- ~~For emergency and safety purposes, provide a medical kit consisting of basic first aid equipment, and a survival kit including water, food, radio, batteries, and other common equipment. The kits must be maintained in good order and clearly identified.~~
- ~~Post management contact information online. Comment: Staff recommends deleting.~~
-

26.050 Rental Agreement and Owner Responsibility.

A. Rental Agreement. The temporary rental or use of each rental unit shall be made pursuant to a rental agreement. The rental agreement shall include, as attachments, a copy of this chapter and the vacation home rental permit for the unit. Each rental agreement shall contain all required notices and shall specify the number of persons who may occupy the unit, parking requirements and number of allowed vehicles, trash disposal requirements, and include the telephone number of the person or persons to be notified in the event of any problem that arises with the rental. The agreement shall include the phone number, address, and contact information for the person responsible for renting the unit, and any other information required by the County. The rental agreement shall notify the renters that they may be financially responsible and personally liable for any damage or loss that occurs as a result of their use of the unit, including the use by any guest or invitee. The property manager or owner shall keep a list of the names and contact information of the adult guests staying in the unit.

In the Clark Tract, to ensure prepared visitors, the following must be disclosed in advertisements and the rental agreement: a description of rough road conditions, and the potential need for chains in winter conditions. Contact information for the manager/owner if road assistance is needed shall be included in the rental agreement.

B. Owner Responsibility.

1. The owner, managing agency, and property manager shall be responsible for compliance with all applicable codes regarding fire, building and safety, health and safety, other relevant laws, and the provisions of this chapter.
2. An owner, managing agency, and/or property manager shall be personally available by telephone on a 24-hour basis to respond to calls regarding the conditions and/or operation of the unit. Failure to timely respond in an appropriate manner may result in revocation of the vacation home rental permit and business license.
3. The owner shall require, as a term of a written agreement with a management company or agent, that said agent comply with this chapter. The owner shall identify the management company or agent, including all contact and license information in the application for a vacation home rental permit, and shall keep this information current. Such agreement shall not relieve owner of the obligation to comply with this chapter.
4. The owner shall maintain property ~~liability and fire~~ insurance coverage specific to short-term rentals that covers, but is not limited to, fire and liability, including injury and damage to hosts, guests, and others, in an appropriate amount and shall provide proof of such insurance to County upon reasonable request. Additionally, the owner shall defend, indemnify, and hold the County harmless from any and all claims, judgments, liabilities, or other costs associated with the property or the rental unit, or the rental thereof.

5. The owner, managing agency, property manager and guest shall comply with all lawful direction from any law enforcement officer, fire official, building official, or code compliance officer.
6. The owner shall be responsible for assuring that the occupants and/or guests of the rental property do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any law. If an owner, property manager, or other agent of the owner is informed about any violation of this chapter, the owner, property manager, or owner's agent shall promptly take action and use best efforts to stop or prevent a recurrence of such conduct, including, when appropriate, calling law enforcement.

26.060 Compliance with Transient Occupancy Tax Requirements.

Each owner shall be responsible for obtaining a transient occupancy ~~tax registration~~ certificate and for complying with Chapter 3.28 of the Mono County Code. An owner may contract with a management company or property manager to collect, disburse, report, and maintain all records related to transient occupancy tax, but the owner remains responsible for any failure to collect, disburse, or accurately report such tax.

26.070 Enforcement. (NOTE: This whole section needs to be revised to be consistent with approval by the Board of Supervisors.)

- A. A violation of any provision of this chapter, and/or the renting of any property in a land use designation 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 Section 1.04.060 and Chapter 1.12 of the Mono County Code, respectively, and any other civil or administrative remedy allowed by law. Notwithstanding Section 1.12.030, the administrative fine for the operation of any transient/~~short-term~~ rental facility ~~within a transient overlay district~~ without a valid vacation home rental permit, or the operation of any transient rental facility in violation of applicable land use requirements in any ~~other~~ land use designation of the county shall be \$1,000 for the first violation and \$2,000 for a second or subsequent violation within three years. In addition to these penalty provisions, the failure to comply with any provision of this chapter may result in the suspension or revocation of the vacation home rental permit in accordance with subsection D below, or the suspension or revocation of the business license and/or transient occupancy tax registration certificate. The failure of a management company or property manager to comply with the provisions of this chapter may additionally result in a finding that such management or company or property manager is not in good standing.
- B. An inspection and/or audit of each unit subject to this chapter, and any contract or agreement entered into in furtherance of, or to implement, this chapter, may be made at any reasonable time, and upon reasonable notice to confirm compliance with this chapter.
- C. Transient rentals may not be conducted if there are any code violations, stop-work orders, or other violation of law or regulation outstanding on the property.
- D. The following procedures shall be followed in conjunction with any proposed revocation or suspension of a vacation home rental permit.
 1. The County shall provide the property owner with a notice of proposed revocation or suspension stating the nature of the violation, whether revocation or suspension is proposed, and the date, time, and place of a hearing before a hearing officer, who shall be a Planning Commissioner appointed for this purpose by the

County Administrative officer, will be held. The notice shall be served on the owner at least 10 business days prior to the date of the hearing by personal service or by certified mail, postage prepaid, return receipt requested to the address for such purpose provided on the vacation home rental permit application. Service by mail shall be deemed effective on the date of mailing.

2. At the hearing, the hearing officer shall consider any written or oral evidence consistent with the following:
 - a. The contents of the County's file shall be accepted into evidence (except as to such portions of the file, if any, that contain confidential or privileged information); and
 - b. The notice of revocation or suspension shall be admitted as prima facie evidence of the facts stated therein.
 3. The hearing officer shall independently consider the facts of the case and shall draw his or her own independent conclusions.
 4. Upon conclusion of the hearing and receipt of information and evidence from all interested parties, the hearing officer shall render his or her decision affirming the revocation or suspension as proposed, modifying the revocation or suspension, or rejecting the revocation or suspension.
 5. If directed by the hearing officer, staff shall prepare a written decision reflecting the hearing officer's determination. Following approval of the written decision by the hearing officer, the secretary of the Planning Commission shall serve the written decision on the property owner by certified mail, postage prepaid, return receipt requested.
 6. The decision of the hearing officer shall be the final administrative action of the County, and the property owner shall be advised of his rights to challenge that decision in Superior Court pursuant to section 1094.5 of the Code of Civil Procedure and of the timelines in which such an action must be brought.
- E. Notwithstanding the foregoing, in the event the code compliance officer determines that suspension or suspension pending revocation of a vacation home rental permit is necessary for the immediate protection of the public health, safety, or welfare, such suspension may be made without prior hearing or determination by the hearing officer, upon the giving of such advance notice to the property owner as the code compliance officer deems reasonable given the nature of the violation and risks presented. The code compliance officer shall inform the property owner in writing of the duration of the suspension, the reasons therefor, the procedure and timelines for filing an appeal, in accordance with the following:
1. The property owner may appeal the suspension by filing an appeal with the clerk of the Planning Commission within 10 calendar days of the date the suspension or revocation takes effect. Such appeal shall also function as a hearing on revocation of the permit, if the suspension is made pending revocation. In the event the property owner does not appeal a suspension pending revocation within the time provided, then the suspension shall automatically become a revocation if notice of such was included in the notice of the suspension;
 2. The hearing shall be in accordance with the procedures set forth in section D above; and

3. The suspension shall remain in effect for the number of days provided by the code compliance officer, or until the appeal/revocation hearing is finally decided by the hearing officer, whichever occurs later, unless extended by the Board.

F. When a vacation home rental permit is revoked pursuant to the procedures set forth in this chapter, a new vacation home rental permit may not be issued to the same property owner for a period of five years.

26.080 Existing and Otherwise Permitted Rentals.

Any lawful use of property as a transient rental occurring, or subsequently authorized, in a land use designation that permits such uses (or permits such uses subject to Use Permit or Director Review approval) without the application of a transient overlay district shall be exempt from the provisions of this chapter.

26.090 ~~Unauthorized Rentals Prohibited~~nsed.

A. The transient rental of any property, unit, or structure that is not within a designated transient overlay district or within a land use designation that permits such use and for which all necessary approvals have not been granted, is prohibited. Any violation of this section shall be subject to the provisions of section 26.070, including the fines set forth therein.

B. Any form of advertising for an unpermitted short-term rental unit is prohibited.