

MARIN COUNTY BOARD OF SUPERVISORS

**[DRAFT]** ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 5.41 OF THE MARIN COUNTY CODE**

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The Board of Supervisors ordains as follows:

**SECTION I: FINDINGS**

The Board of Supervisors makes the following findings in support of this ordinance:

1. On August 7, 2018 the Marin County Board of Supervisors found that the growth of Short Term Rentals may lead to neighborhood conflicts unless appropriate rules are established and understood by property owners, community members, and decision makers and adopted the County’s first Short Term Rental Ordinance (Ord. No. 3695) to remain in effect for 24 months, unless extended by the Marin County Board of Supervisors.
2. On July 28, 2020, before the sunset of Ordinance No. 3695, the Marin County Board of Supervisors found that Ordinance No. 3695 had successfully met many of its original objectives, and adopted an ordinance extending its terms, with certain refinements (Ord. No. 3739). The Board also directed staff to re-evaluate these short term rental regulations when circumstances regarding the COVID-19 pandemic improved sufficiently to allow better public outreach.
3. On May 24, 2022, the Marin County Board of Supervisors found that an affordable housing shortage for middle- and lower-income working families has continued to worsen in the greater San Francisco Bay Area, impacting the ability of these families to live in or near the communities where they work. Middle- and lower-income families in the West Marin Area are experiencing these housing impacts. Short term rentals exacerbate these problems, and their impact is particularly magnified in the West Marin Area, because of the lack of housing stock. Conversion of housing units to vacation rentals further reduces housing stock and contributes to increased housing costs for both renters and buyers. In response, the Board adopted an ordinance establishing a moratorium on new short-term rental use in the West Marin Area through July 8, 2022 (Ord. No. 3768).
4. On June 21, 2022, the Marin County Board of Supervisors adopted an ordinance extending the moratorium established in Ordinance No. 3768 through May 23, 2024 (Ord. No. 3769) in conformance with State law, to allow time for the Board and County staff to study and evaluate policies and contemplated zoning proposals to improve the availability of middle- and lower-income housing in the West Marin Area, while preserving coastal access.
5. Since Fall 2022, County staff has worked to draft a new Short Term Rental Ordinance. This work included robust public outreach and engagement, including district-wide listening sessions, community meetings, empirical data collection in the form of a survey, facilitated group discussions with stakeholders, and Marin County Planning Commission workshops. Nearly 400 public comments have been shared with County staff as part of this process.

6. It is in the public interest to minimize the adverse impact of short term rental activity on the health and safety of residents and visitors, and to ensure such activity is conducted in a manner that preserves existing housing and communities.

7. On October 23, 2023, the Marin County Planning Commission held a duly noticed public hearing, heard public testimony, and directed staff to make changes to the draft Short Term Rental standards, to be included in Marin County Code (MCC) Chapter 5.41.

8. On November 13, 2023 the Marin County Planning Commission held a duly noticed public hearing to take public testimony and consider a Resolution to recommend to the Board of Supervisors that they authorize the Community Development Agency to submit a Local Coastal Program amendment application to the California Coastal Commission and upon their approval subsequently amend MCC Chapter 5.41.

9. Changes to the regulation of short term rentals in the Coastal Zone requires a Local Coastal Program Amendment, which must be certified by the California Coastal Commission, pursuant to the California Coastal Act (Public Resources Code § 30000 et seq.). In compliance with this requirement, the Board of Supervisors adopted on January 11, 2024 a resolution authorizing submittal of this Ordinance, and an application to amend the Land Use Plan and Implementation Plan of the County's Local Coastal Program in accordance with this Ordinance.

10. Pursuant to Section 13551 of Title 14 of the California Code of Regulations, as interpreted and applied by the Coastal Commission, the County resolution regarding this Ordinance and the application for a Local Coastal Program Amendment specified that the Local Coastal Program Amendment would not become effective following certification by the Coastal Commission unless and until the Board of Supervisors takes further action to place it into effect. The Coastal Commission has certified such Local Coastal Program Amendment, which incorporates the terms of this Ordinance, as consistent with the Coastal Act.

11. This Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the common sense exemption, Section 15061(b)(3) of the State CEQA Guidelines, because CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment. As a result, this Ordinance is not subject to CEQA.

## **SECTION II: ACTION**

Chapter 5.41 of the Marin County Code is hereby amended, to read as follows:

### **5.41 SHORT TERM RENTAL LICENSE REQUIREMENTS**

#### **5.41.010 Purpose of Chapter.**

This Chapter establishes standards that regulate short term rentals. This Chapter is enacted to reduce the negative impacts of short term rental activity, assure the health and safety of residents and visitors, preserve existing housing and communities while

balancing the protection of private property rights, provide economic opportunities for Marin County residents, and provide visitor serving accommodations for coastal tourists.

This Chapter is administered by the Marin County Community Development Agency.

#### **5.41.020 Definitions**

Terms used in this Chapter are defined below, or when undefined below are subject to the definitions in Marin County Code Titles 20 and 22.

Change of ownership: A transfer of an interest in real property that meets the definition of a change in ownership of the property under California Revenue and Taxation Code section 60 et seq., or its successor. Notwithstanding the foregoing, a transfer of an interest in real property from a natural person to their spouse or child/ren upon their death is not a change in ownership under this Chapter.

Guest or Guests: The individual(s) occupying the short term rental for the purpose of overnight lodging, including any individual(s) invited to a short term rental by those occupying the unit for the purposed of overnight lodging.

Host: A host is a person identified by a short term rental property owner to reside at the property at which a short term rental is located.

Hosted Short Term Rental: A short term rental that is the primary residence of a short term rental property owner or host.

Local Contact Person: The person or business designated by the short term rental property owner to receive and respond to communications regarding a short term rental.

Long Term Tenant: A property lessee who occupies a unit as a primary residence for a period for 30 days or more.

Natural Person: A human being; the term natural person does not include a legal entity of any kind.

Primary Residence: The dwelling in which a person lives for at least six months each year.

Property: A single legal lot of record.

Property owner: The owner(s) of record of a property, and to the extent any such owner is a legal entity, any and all natural persons with an interest in such legal entity.

Short Term Rental (STR): A rental of a residential unit, or a portion of a residential unit, for a time period less than 30 days. Short term rentals are a residential use of property. Rental of commercial lodging including a hotel, motel, agricultural homestay, bed and breakfast inn, or campground, is not considered a short term rental.

Townships: Geographic areas in Marin County's unincorporated jurisdiction shown on that certain map entitled "Townships of the County of Marin" kept on file by the Marin County Community Development Agency.

Unhosted Short Term Rental: Short-term rental occupancy of a residential unit on a property that does not provide a primary residence for the property owner or a long term tenant.

**5.41.030 Applicability.**

This Chapter shall apply to short term rentals in unincorporated Marin County, except as exempt per Section 5.41.040.

**5.41.040 Exemptions.**

A. This Chapter does not apply to any commercial lodging use including a hotel, motel, agricultural homestay, bed and breakfast inn, or campground.

B. This Chapter does not apply to a short term rental unit located on an agriculturally zoned property that is at least 10 acres in size and where the primary use of the property is commercial agriculture.

**5.41.050 Short Term Rental Licenses.**

**A. License Required.** Advertising or operating a short term rental without a valid and current short term rental license issued pursuant to the requirements of this Chapter are prohibited. Once a license expires or is revoked or suspended, the short term rental operation must immediately cease.

**B. License For Property Owner.** The short term rental licensee must own the property where the short term rental is located. Only one license shall be issued per short term rental property owner. However, short term rental licensees who have multiple legal short term rentals as of January 1, 2024 shall be allowed to continue to operate up to three short term rental units as long as the short term rentals otherwise conform to this Chapter.

**C. License Term.** The initial short term rental license for a property expires two years after the date of issuance unless the license is renewed by the property owner for an additional four-year term. The term of the license expires immediately and automatically upon any change of ownership of the property.

**D. Administrative Procedures.** Administrative procedures for short term rental licenses shall be made publicly available by the Community Development Agency. Applications for short term rentals shall not be accepted until these procedures have been made publicly available. These administrative procedures shall set forth the process to apply for, obtain, maintain, monitor, and renew short term rental licenses. The administrative procedures shall set forth a ministerial licensing process based on objective criteria and shall be updated periodically by the Community Development Agency. The administrative procedures shall be consistent with the license framework set forth in the sections below.

**1. Application Process.** An application for a short term rental license shall be submitted by the property owner or their agent (written property owner authorization and contact information is required for an agent to file the application) to the Community Development Agency.

No license application shall be accepted until the Community Development Agency has made publicly available the administrative procedures.

Only license applications for legal short term rentals in existence on January 1, 2024 will be accepted before July 1, 2025. Applications for properties where there is no legal short term rental in existence on January 1, 2024, will be placed on a wait list until all existing short term rental property owners have had the opportunity to apply for a license.

**2. License Suspensions and Revocations.** Short term rental licenses may be temporarily suspended or permanently revoked if the short term rental property owner violates the standards set forth in this Chapter or the requirements of the license, as determined through the code enforcement and appeals process. All the provisions for legal due process and appeal rights provided for in Marin County Code Chapters 1.05 (Nuisance Abatement), 1.06 (Recordation of Notice of Violation), and 1.07 (Imposition of Administrative Fines for Ordinance Violations) shall apply.

**3. License Wait Lists.** The Community Development Agency will maintain short term rental license wait lists for townships where the number of short term rental license applicants exceed the number of available licenses for that township, and county wide when the total number license applicants exceed the number of available licenses county wide. Licenses for qualifying properties on the wait list shall be issued in the order that the applications were received, except that a lottery shall be used to determine the rank order of the list of all applications submitted within the first 30 days from the date that the County allows the first round of license applications to be accepted.

**4. Application Materials.** No short term rental license or renewal shall be issued unless the application has first been deemed complete. The administrative procedures shall specify all the information necessary for a complete application, including, but not necessarily limited to, the following:

- i. The name(s) and contact information for all property owners. If the property owner(s) applying for the license own/s less than a 100% fee interest in the property, then such property owner(s) must provide proof that all persons and/or entities with an interest in the property consent to such application and license. All adults for whom the property provides a permanent residence shall be listed.
- ii. The name of the local contact person or host for short term rentals, if different from the property owner, and an email and telephone number at which that party may be reached.
- iii. Address and Assessor's parcel number for the property where the short term rental is located.
- iv. Rental unit type (i.e., hosted or unhosted short term rental).
- v. Number of bedrooms and bathrooms.

- vi. A schematic site plan showing property lines, all buildings on the site, the driveway, and the location and dimensions of on-site parking spaces.
- vii. If the rental property is served by a private water supply (well or spring), provide proof of a water supply permit with the County's Environmental Health Services Division or appropriate regulatory agency and proof of water potability with a current bacteriological test.
- viii. If the rental property is served by a private sewage disposal system, provide proof that the system is documented with the County of Marin Environmental Health Services Division or appropriate regulatory agency and provide an inspection report demonstrating proper operation of the system by an approved licensed professional.
- ix. Bills from a hauler as proof of a minimum level of service with an authorized waste collector that is sufficient to handle the volume of garbage, recyclable materials and organic materials generated or accumulated.
- x. Documentation attesting to the existence of a working landline phone, Voice Over Internet Protocol, or National Oceanic and Atmospheric Administration (NOAA) radio.
- xi. All short term rental applicants shall provide a self-certified building safety inspection upon license or license renewal application.
- xii. All short term rental applicants shall provide a self-certified fire-life safety inspection upon license or license renewal application.
- xiii. All short term rental applicants shall provide a self-certified defensible space inspection, conducted within the preceding twelve months, upon license or license renewal application.
- xiv. All short term rental applicants with properties served by a local water provider must provide water use bills or some other documentation from the water provider if volume based bills are not available. If the water use documentation demonstrates short term rental water use exceeding an average of 250 gallons per day, or a lower limit established by the local water provider, the short term rental license or license renewal application shall include strategies to reduce water use to below an average of 250 gallons per day during the next year. If water use is not reduced as required, the license shall not be subsequently renewed.

**5. Public Notification.** Within five days after issuance of a short term rental license, the Community Development Agency will provide written notification to all properties within a radius of three hundred feet of the property with the short term rental.

The notice shall indicate that the subject property will be the location of a short term rental and provide the name of the local contact person or host, the phone number and email address for the local contact person or host, and the street address of the short term rental.

**6. Tenant notification of County Rules.** The host or local contact person of the short term rental shall post a County-prepared information sheet inside the unit and provide the tenants with a "good neighbor" brochure, developed by the County, at the time of their arrival. The schematic site plan showing the location of parking spaces shall also be provided to the guests. The purpose of the brochure is to apprise guests of County regulations and relevant safety information.

**7. Exterior Signage.** Each short term rental shall be identified with a single exterior sign that includes the name of the local contact person or host, the phone number and email address for the local contact person or host, and the street address of the short term rental. At a minimum, the sign shall be posted while the unit is being used as a short term rental. The sign shall be made of durable materials and securely placed in the front of the property or unit (where there are multiple units on the property), at a height of three to five feet as measured from the top of the sign to grade, in such a way that it is readily visible to the public upon inspection.

**8. Requirements for Advertisements.** All short term rentals shall include the following information in any online or printed advertisement:

- i. Valid Marin County short term rental license number.
- ii. The number of parking spaces available for the short term rental.
- iii. Further information where applicable as specified in the license requirements, such as water use restrictions.

#### **E. License Issuance**

A Short Term Rental license will be issued on a ministerial basis by the Community Development Agency based on a review of whether the short term rental would satisfy all the applicable requirements. Licenses can be issued with conditions ensuring compliance with the applicable requirements.

#### **F. License Term and Renewal.**

- i. An initial short term rental license issued under this Chapter shall expire immediately and automatically two years from the date of license issuance, unless revoked earlier. A short term rental license renewal shall last for a term of four years, unless revoked earlier. The license authorizes the property owner to conduct only such services as are described in this Chapter and in accordance with the terms and conditions of the license.
- ii. A complete short term rental license renewal application for an existing short term rental license must be submitted at least sixty days prior to the expiration date of the license. Upon timely submittal of a renewal application, the license will remain effective until such time as the license renewal application is approved or denied.

- iii. Failure to submit a timely application for a renewal of an existing short term rental license shall result in that license not being renewed. An unrenewed license will not be reinstated to the property owner unless there are available licenses within the cap. A property owner who fails to renew a license may join the wait list for the next available license under the cap.
- iv. Once a license expires, a new license is required to operate the short term rental. Renewals can only be issued for an existing license, and in compliance with this section. The administrative procedures issued by the Community Development Agency pursuant to this chapter may describe modifications to short term rental operations that are eligible for consideration within a license renewal.
- v. A short term rental license renewal application shall be denied if there have been more than three verified substantial violations of this Chapter or of the license requirements related to the short term rental during the previous license term. Substantial violations are violations for which a complaint has been received and a code enforcement case opened with an investigation verifying the existence of the violation. Code Enforcement determinations are subject to the appeals and legal due process requirements provided in Marin County Code Chapters 1.05 (Nuisance Abatement), 1.06 (Recordation of Notice of Violation), and 1.07 (Imposition of Administrative Fines for Ordinance Violations).

#### **G. Multi-Family Dwelling or Condominium Unit License Term and Renewal**

1. An initial short term rental license for a short term rental in a multi-family dwelling or condominium unit issued under this Chapter shall expire immediately and automatically two years from the date of license issuance, unless revoked earlier.
2. A short term rental license for a short term rental in a multi-family dwelling or condominium unit cannot be renewed for an additional four year term and shall instead cease operation after two years from the date of the license issuance, unless revoked earlier.
3. No applications for short term rental licenses for rentals in a multi-family dwelling or condominium units shall be accepted or approved for a STR unit that is not legally operating as of January 1, 2024.

#### **H. License Fee.**

- i. Each short term rental license or renewal application shall be accompanied by the applicable short term rental license fee.
- ii. The fee schedule shall be established by resolution of the Board of Supervisors following a public hearing. Said fee schedule may be adjusted by resolution of the Board following a public hearing. Permits and fees required are non-refundable and are in addition to any license, permit, certificate or fee required by any other chapter of the Marin County Code or other applicable law.

## **5.41.060 Short Term Rental Property Standards**

- 1. Undeveloped Properties.** A property where there is no existing legal residential unit is not eligible for a short term rental license.
- 2. Restricted Structures.** A short term rental is not allowed in any of the following:
  - i.** A structure subject to a recorded governmental restriction, including covenants or agreements for an affordable housing unit, agricultural employee unit, or farmworker housing.
  - ii.** An accessory dwelling unit or junior accessory dwelling unit created or legalized after January 1, 2020.
  - iii.** A multi-family dwelling or condominium unit. This standard does not apply to short term rentals being legally operated as of January 1, 2024, subject to Section 5.41.050.G of this Chapter.
  - iv.** Non-residential areas within buildings, such as storage areas, and living/sleeping quarters added in garages.
  - v.** Recreation vehicles (RVs), including non-motorized travel trailers.
  - vi.** Other structures without permanent foundations, including but not limited to tipis/teepees, yurts, tents, and treehouses.
- 3. One Short Term Rental Per Property.** Only one short term rental is allowed per property. However, this standard does not apply to any property on which there are multiple legal short term rentals that are not located within a multifamily dwelling or condominium on January 1, 2024, in which case the up to three existing short term rentals can continue to be operated as long as they otherwise conform to this Chapter.
- 4. Short Term Rental Parking Requirements.** Parking spaces must be provided for properties with short term rentals as follows:
  - i.** The number of required parking spaces for short term rentals shall comply with Marin County Code Section 24.04.340 (Minimum Required Parking Spaces), as verified by the Department of Public Works. This standard does not apply to short term rentals being legally operated as of January 1, 2024.
  - ii.** Parking for short term rentals shall comply with Marin County Code Section 24.04.380 (Dimensional Standards), as verified by the Department of Public Works.
- 5. Noise.** The short term rental property owner is responsible for ensuring that any and all guests of a short term rental comply with the noise standards of Section 6.70.030 (Loud and Unnecessary Noises).
- 6. Solid Waste.**

- i. With the exception of waste properly deposited in and fully contained within collection containers with secure lids, accumulation of solid waste outside of the short term rental at any time is prohibited. No collection container other than those consistent with Chapter 7.00 (Solid Waste, Collection, Diversion and Disposal) shall be placed or kept in or on any public street, sidewalk, footpath, or any public place whatsoever, but shall be maintained on the property, except as may be provided for removing and emptying by the authorized collector on the day and in the location designated for collection.

The short term rental property owner is responsible for ensuring that short term renters comply with Chapter 7.00 (Solid Waste Collection, Diversion, and Disposal).

- ii. A minimum service level must be maintained that is sufficient for the short term rental. If the Community Development Agency determines the minimum service level is insufficient to accommodate all waste (including garbage, recyclable materials, and organic materials) generated by the short term rental, the property owner shall arrange for a higher level of service which will accommodate all waste generated by the short term rental.

**7. Municipal Services.** The short term rental property shall have adequate water and sewer connections and shall be served by local utility agencies for water and sewer service wherever such utilities are provided.

- i. In the event that the short term rental is served by a private water supply (well or spring), the property owner will need to possess a domestic water supply permit from the Marin Community Development Agency Environmental Health Services Division or other appropriate public agency and prove potability with a current bacteriological test.
- ii. In the event that the short term rental is served by a private sewage disposal system, then that system must be documented with the Community Development Agency Environmental Health Services Division or other appropriate public agency, shall be inspected for proper operation by an approved licensed professional, and shall be sized appropriately for the short term rental and any other combined use.

**8. Emergency Preparedness.**

- i. **Visible Address.** Each short term rental shall have an address identification. The address identification must be maintained and shall be legible, measuring no less than four inches in height with a 3/8 inch stroke, and placed in a position that is visible from the street or road fronting the property. Whenever the address on the short term rental will not be clearly visible from the street or access road fronting the property, the address shall also be placed at the public street or access road in a manner which is clearly visible from both directions of travel on the frontage road or street.

- ii. **Smoke Alarms.** Smoke alarms, in good working order, shall be installed in accordance with the California Building Code and at a minimum shall be installed in each bedroom, and at least one alarm on every level of the short term rental, including basements and habitable attics.
- iii. **Carbon Monoxide Alarms.** Carbon monoxide alarms, in good working order, shall be installed in accordance with the California Building Code and at a minimum shall be installed outside each bedroom, on every level of the rental unit, including basements and habitable attics, and bedrooms or attached bathrooms with a fuel-burning appliance, and shall be installed in accordance with the manufacturer's installation instructions.
- iv. **Fire Extinguisher.** Each short term rental shall be equipped with one five-pound fire extinguisher, type 3-A:40-B:C, installed at a readily available location near the kitchen. If the short term rental has more than one level, an extinguisher must be mounted within each level.
- v. **Emergency Communications.** Each short term rental shall contain at least one working landline phone, Voice Over Internet Protocol (VOIP), or a National Oceanic and Atmospheric Administration (NOAA) radio as a means of receiving emergency communications. Locations with a working landline and/or VOIP should have the direct phone number and address listed near the device. If NOAA radios are employed, a set of directions for use of the radio shall be accessible.
- vi. **Evacuation Routes.** The short term rental property owner must provide vehicular evacuation route maps, provided by Fire Safe Marin or the County of Marin, for the rental area. Evacuation routes must be posted near the front door, with a QR code or link to the County's online evacuation map, of the short term rental. Further, a vehicular evacuation routes map must be provided as a handout so guests can take the map with them in the case of an emergency.
- 9. **Construction Requiring a Building Permit.** Short term rentals shall not be rented while the building they are in is undergoing any form of construction that requires a building permit.
- 10. **Code Enforcement Cases.** Short term rentals shall not be rented while a verified code enforcement violation is open on the property.
- 11. **Commercial Special Events.** Commercial special events including weddings, corporate events, commercial functions, and any other similar events shall not be held on a property with a short term rental license.
- 12. **Local Contact Person Responsibilities.** A short term rental property owner must identify a local contact person for every unhosted short term rental. The local contact person shall respond to any complaint received regarding the conduct of the short term rental guests or the condition or operation of the short term rental and take any necessary remedial action to resolve violations of Marin County Code requirements in a timely manner. The short term rental property owner is

responsible for the local contact person’s compliance with all provisions of this Chapter.

**13. Host Responsibilities.** A short term rental property owner must identify a host for every hosted short term rental if the host is different from the property owner. This host shall respond to any complaint received regarding the conduct of the short term rental guests or the condition or operation of the short term rental and take any necessary remedial action to resolve violations of Marin County Code requirements in a timely manner. The short term rental property owner is responsible for this host’s compliance with all provisions of this Chapter.

**5.41.070 Caps on the Number of Short Term Rental Licenses**

The total initial number of short term rental licenses allowable in unincorporated Marin County is limited to 923. The ultimate number of short term licenses allowable in unincorporated Marin County is limited to 217.

Dillon Beach and the Seadrift area in Stinson Beach are excluded from the short term rental license caps, meaning an unlimited number of licenses may be issued in these places.

Further, the number of short term rental licenses for short term rentals in the townships of Marin County shall be capped at the limits indicated in Table Short Term Rental Caps below.

**Table 1 – Short Term Rental Caps**

<u>Township</u>	<u>Initial Number of Short Term Rentals</u>	<u>Ultimate Number of Short Term Rentals</u>
<u>Bolinas</u>	<u>63</u>	<u>23</u>
<u>Fallon</u>	<u>3</u>	<u>1</u>
<u>Forest Knolls</u>	<u>8</u>	<u>0</u>
<u>Inverness</u>	<u>93</u>	<u>46</u>
<u>Lagunitas</u>	<u>6</u>	<u>2</u>
<u>Marshall</u>	<u>28</u>	<u>12</u>
<u>Muir Beach</u>	<u>20</u>	<u>7</u>
<u>Nicasio</u>	<u>11</u>	<u>4</u>
<u>Olema</u>	<u>3</u>	<u>3</u>
<u>Petaluma</u>	<u>2</u>	<u>0</u>
<u>Point Reyes Station</u>	<u>32</u>	<u>22</u>
<u>San Geronimo</u>	<u>10</u>	<u>2</u>
<u>Stinson Beach*</u>	<u>120</u>	<u>56</u>
<u>Tomales</u>	<u>12</u>	<u>3</u>
<u>Valley Ford</u>	<u>1</u>	<u>0</u>
<u>Woodacre</u>	<u>12</u>	<u>0</u>

\*Excluding the Seadrift area

The “Initial Number of Short Term Rentals” referenced above establishes the number of licenses available for issuance for the valid applications submitted before July 1, 2025 (first round licenses).

First round licenses may be renewed. However, subsequent to these first round licenses being issued, the number of new licenses being issued shall decrease to the “Ultimate Number of Short Term Rentals” established above. The cap on the ultimate number of short term rental licenses in each township shall be eventually achieved as license applications or renewals decline over time.

No new short term rental licenses shall be issued that would result in the number of short term rental licenses exceeding the initial county wide license cap of 923. After the first round of licenses has been issued, no new licenses shall be issued that would exceed the ultimate cap for a particular township and/or 217 short term rentals in the unincorporated area of Marin County.

#### **5.41.080 Violations.**

Any violation of the provisions in this Chapter shall be enforced through any legal remedies available to correct and/or abate a nuisance or violation of the Marin County Code, as provided in Marin County Code Chapters 1.05 (Nuisance Abatement), 1.06 (Recordation of Notice of Violation), and 1.07 (Imposition of Administrative Fines for Ordinance Violations) as they pertain to violations related to real property. All the provisions for legal due process and appeal rights provided for in Marin County Code Chapters 1.05, 1.06, and 1.07 shall apply.

Short term rental licenses may be suspended or revoked if the short term rental property owner fails to meet the standards set forth in this Chapter and/or the requirements of the license. Short term rental licenses shall not be renewed if there have been more than three verified violations of the standards or license requirements during the previous licensing term, as determined through the code enforcement process.

#### **5.41.010 RESTRICTION**

~~No Short Term Rental shall take place in unincorporated Marin County except in conformance with the requirements set forth below.~~

#### **5.41.020 DEFINITIONS**

- ~~A. The word “Short Term Rental” is defined herein as a rental of residential property for a lease term of 30 days or less.~~
- ~~A. The term “Local Contact Person” is defined herein as a person who is available to respond to Short Term Rental complaints.~~

~~B. The term “Enforcement Officer” is defined herein as the Community Development Agency Director or his/her designee.~~

~~C. The term “Hearing Officer” is defined herein as the Community Development Agency Director or his/her designee. However, the CDA Director shall not act as both the Enforcement Officer and Hearing Officer or designate any CDA employee as the Hearing Officer if that person was the Enforcement Officer, with respect to that particular violation.~~

#### **~~5.41.030 BUSINESS LICENSE AND TRANSIENT OCCUPANCY TAX~~**

~~Owners and Operators of Short Term Rentals shall comply with Chapter 5.54 Business License and comply with Chapter 3.05 uniform Transient Occupancy Tax as administered by the Marin County Department of Finance and Marin County Code.~~

~~The name of the Local Contact Person as well as the phone number and email address for the Local Contact Person shall be provided at the time of application for the Transient Occupancy Tax certificate number and when reporting the Transient Occupancy Tax. The Local Contact Person information will be used by the County or its compliance agent and the Local Contact Person’s information will be made available to the general public.~~

#### **~~5.41.040 SHORT TERM RENTAL COMPLAINT HOTLINE~~**

~~Marin County shall maintain a Short Term Rental complaint hotline. Hotline staff will accept complaints about Short Term Rentals received by calls and emails and notify the Local Contact Person or property owner about the complaints.~~

#### **~~5.41.050 LOCAL CONTACT PERSON RESPONSE~~**

~~The Local Contact Person shall respond to any complaint received by either Marin County Short Term Rental Hotline staff and/or County staff regarding the conduct of the Short Term Rental occupants or the condition or operation of the Short Term Rental, and take any necessary remedial action to resolve violations of Marin County Code requirements in a timely manner.~~

#### **~~5.41.060 SIGNAGE~~**

~~The public shall be notified that a Short Term Rental is available on a particular property using at least one of the following two methods: (1) Exterior signage, or (2) Delivery of written notice to adjacent properties. The mandatory standards for these methods are set forth below.~~

##### ~~A. Exterior Signage~~

- ~~1) Each Short Term Rental shall be identified with a single exterior sign, issued by the Department of Finance, that includes the name of the Local Contact Person, the phone number and email address for the Local Contact Person, the phone number and the email address of the Marin County Short Term Rental Hotline, and the street address of the Short Term Rental. At the owner’s discretion, an alternative design for the sign from that provided by the Department of Finance is allowed provided the size and font of the sign is no smaller than those of the sign~~

~~provided by the Department of Finance and the sign is made of at least as durable a material. At a minimum, the sign shall be posted while the unit is being used as a Short Term Rental.~~

- ~~1) The sign shall be securely placed in the front of the property or unit (where there are multiple units on the property), at a height of three to five feet as measured from the top of the sign to grade, in such a way that it is readily visible to the public.~~

~~A. Written notification shall be provided to all properties within a radius of 300 feet of the property with the Short Term Rental using either door handle hangers or letters.~~

- ~~1) The notice, whether a door handle hanger or letter, shall indicate that the subject property will be the location of a Short Term Rental and provide the name of the Local Contact Person, the phone number and email address for the Local Contact Person, the phone number and the email address of the Marin County Short Term Rental Hotline, and the street address of the Short Term Rental.~~

- ~~1) An affidavit from the property owner and a copy of the notice shall be submitted to the Marin County Department of Finance certifying that the notice has been provided in conformance with this chapter at least 10 days prior to the owner applying for a new Transient Occupancy Tax certificate number. A Transient Occupancy Tax certificate number shall not be issued in the absence of such an affidavit.~~

#### **~~5.41.070 TENANT NOTIFICATION OF COUNTY RULES~~**

~~The owner of the Short Term Rental shall post a copy of the “house rules” inside the unit or provide the tenants with a “good neighbor” brochure at the time of their arrival. The house rules or brochure shall include site specific instructions on how to comply with the following County regulations:~~

~~A. Loud and Unnecessary Noises (Marin County Code 6.70.030)~~

~~Between 11:00pm and 7:00am:~~

- ~~• No operation of any noise generating instrument (e.g. television, radio, loudspeaker, musical instrument) that generates noise audible 50 yards from the building.~~
- ~~• No yelling, shouting, whistling, or singing on public roads.~~

~~B. Parking (Marin County Code 24.04.340)~~

- ~~• Typically, two off-street parking spaces shall be provided for each residence. However, where on-street parking is limited, four off-street parking spaces are required.~~

~~C. Emergency Access (California Fire Code 503.4 referenced)~~

- ~~• Parking shall not obstruct roadways less than 20 feet wide.~~

~~D. Garbage (Marin County Code 7.00.020)~~

- ~~• Garbage placed outside shall be in a suitable covered container.~~

#### **~~5.41.080 ADMINISTRATIVE CITATION OF PROPERTY OWNER(S) FOR FAILURE TO COMPLY WITH SHORT TERM RENTAL NOTIFICATION REQUIREMENTS~~**

- ~~A. Property owner(s) failing to comply with Section 5.41.060 are subject to an administrative citation issued by the Community Development Agency pursuant to the authority granted to the Board of Supervisors by Government Code Section 53069.4, et seq. Violations will be handled in the following manner:~~
- ~~1. The penalties assessed for each violation shall not exceed the following amounts:
    - a) \$100.00 for a first violation;
    - b) \$200.00 for a second violation of this Ordinance within one year;
    - c) \$500.00 for each additional violation of this Ordinance within one year; and
    - d) The fourth and subsequent violation within one year shall constitute a nuisance and be subject to the nuisance abatement procedures in Marin County Code Chapter 1.05, including payment of civil penalties of up to \$2,500 per violation per day and enforcement and other abatement costs incurred by the County.~~
  - ~~2. Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.~~
- ~~B. Nonpayment of any assessed violation for longer than one year shall constitute a nuisance and be subject to the nuisance abatement procedures in Marin County Code Chapter 1.05, including payment of civil penalties of up to \$2,500 per violation per day and enforcement and other abatement costs incurred by the County.~~
- ~~C. The penalties assessed shall be payable to the County of Marin.~~
- ~~D. Service of Citation~~
- ~~1. If the property owner(s) who has violated the Ordinance is present at the scene of the violation, the Enforcement Officer shall attempt to obtain their signature on the administrative citation and shall deliver a copy of the administrative citation to them.~~
  - ~~1. If the Enforcement Officer is unable to serve the property owner(s) on the premises, the administrative citation may be left with the occupant(s) of the property. If left with the occupant(s) of the property, a copy of the administrative citation shall also be mailed to the property owner(s) by certified mail, return receipt requested.~~
  - ~~2. If no one can be located at the property, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy mailed by certified mail, return receipt requested to the owner(s), occupant(s) or other person who has violated the Ordinance. The citation shall be mailed to the property address and/or the address listed for the owner(s) on the latest County Assessment Roll.~~
  - ~~3. The failure of any interested person to receive the citation shall not affect the validity of the proceedings.~~
- ~~E. The remedies provided by this chapter are cumulative and are in addition to any other remedies available at law or in equity, including withholding the issuance of any building and construction permit.~~
- ~~F. Whenever evidence of a violation of this chapter is obtained in any part through the participation of a person under the age of eighteen years old, such a person shall not be required to appear or give testimony in any civil or administrative process brought to enforce this chapter and the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented.~~

**~~5.41.090 ADMINISTRATIVE REVIEW ON THE IMPOSITION OF ADMINISTRATIVE FINES FOR FAILURE TO COMPLY WITH SHORT TERM RENTAL NOTIFICATION REQUIREMENT; APPEAL~~**

- ~~A. Any person subject to an administrative fine pursuant to this Chapter shall have the right to request an administrative review within forty-five days of the issuance of a citation for an administrative violation of this ordinance pursuant to the authority granted to the Board of Supervisors by Government Code Section 53069.4, et seq. To request such a review, the person requesting the review shall notify the Enforcement Officer in writing within forty-five days of the issuance of the citation.~~
- ~~A. The Hearing Officer may conduct a hearing on the matter within ninety days of the request for the hearing unless one of the parties requests a continuance for good cause. The Hearing Officer shall render a decision within thirty days of the conclusion of the hearing, or from the receipt of the review request (if no hearing is held).~~
- ~~B. The person upon whom an administrative fine is imposed pursuant to this Chapter may appeal the decision of the Hearing Officer to the Superior Court. No appeal to the Superior Court can lie unless the party filing the appeal has first properly requested the administrative review under Subsection 5.41.090(A).~~
- ~~C. The appeal must be filed within twenty days after service of the final decision issued by the Enforcement Officer pursuant to California Government Code Section 53069.4, subdivision (b). The procedures outlined in Government Code 53069.4 shall apply.~~

**~~5.41.100 SEVERABILITY~~**

~~The provisions of this chapter are declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter.~~

**SECTION III: EFFECTIVE DATE AND PUBLICATION**

This Ordinance shall be and is hereby declared to be in full force and effect as of thirty days from and after the date of its passage and shall be published once before the expiration of fifteen days after its passage, with the names of the Supervisors voting for and against the same, in the *Marin Independent Journal*, a newspaper of general circulation published in the County of Marin.

**SECTION IV: VOTE**

Introduced at a regular meeting of the Board of Supervisors held on the \_\_\_\_ day of \_\_\_\_ and adopted by the Board of Supervisors of the County of Marin, State of California, on the \_\_\_\_ day of \_\_\_\_\_, by the following vote to wit:

AYES: SUPERVISORS

NOES:

ABSENT:

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DENNIS RODONI, PRESIDENT  
MARIN COUNTY BOARD OF  
SUPERVISORS

ATTEST:

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Matthew H. Hymel  
Clerk of the Board of Supervisors