



# COMMUNITY DEVELOPMENT AGENCY

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DIRECTOR

February 13, 2018

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Marin County Board of Supervisors  
3501 Civic Center Drive  
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**SUBJECT:** First Reading of Ordinance on posting short term rentals, payment of taxes, and business licenses

Dear Supervisors,

Building and Safety  
Environmental Health Services  
Planning  
Environmental Review  
Housing  
Sustainability  
Code Enforcement  
GIS  
Federal Grants

**RECOMMENDATION:**

Conduct a first reading of the proposed Ordinance on posting short term rentals, payment of taxes, and business licenses in preparation for the hearing on the merits of the Ordinance scheduled for March 13, 2018.

**SUMMARY:**

On July 18, 2017, the Marin County Board of Supervisors held a hearing to receive a report about short term rentals in the unincorporated areas of Marin and to consider next steps for creating a regulatory framework for short term rentals. After this hearing, a subcommittee of the Board comprised of Supervisors Rodoni and Sears was formed to meet on an ad hoc basis with staff members from the Marin County Department of Finance, the Community Development Agency, and the County Counsel's office. These discussions led to a staff proposal for the full Board to consider a stand-alone Ordinance on posting signs identifying short term rentals, payment of taxes, and business licenses, with the signage requirements to be implemented on a pilot basis for a period of one year.

The proposed Ordinance would require that an identification sign be posted on the exterior of each short term rental and that a local contact person be publicly identified to respond to complaints about nuisance activities at the short term rental. The Ordinance will also reinforce other standard requirements of the Marin County Code, including the requirements to obtain a Business License and remit Transient Occupancy Tax (TOT) to the Marin County Department of Finance. Enforcement procedures are also established in the Ordinance.

The Marin County Department of Finance and Community Development Agency (CDA) would take steps to implement the Ordinance, including preparing an informational guide with instructions on how best to comply with the Ordinance and issuing signs to short term rental owners for posting.

**FISCAL/STAFFING IMPACT:**

The fiscal and staffing impacts related to the proposed Ordinance are uncertain, but would include the costs of implementation and enforcement for both the Department of Finance and the CDA. Department of Finance staff would be responsible for issuing Business Licenses, collecting TOT, and pursuing short term rental owners who fail to follow the sections of Marin County Code related to these requirements. CDA Code Compliance staff would be responsible for investigating complaints about a lack of signs and referring complainants to the appropriate County agencies to correct violations of County laws about noise, traffic, garbage and other issues that may arise.

Currently, there are no permit fees proposed to offset the additional workload for the Department of Finance and there are no permit fees proposed to offset the cost of the CDA's code compliance efforts. Therefore, implementation and enforcement of the proposed Ordinance would increase net County costs during the one-year duration of the Ordinance. Staff will work with the Board subcommittee and the County Administrator to evaluate the appropriateness of offsetting the general fund impacts associated with this Ordinance using the additional revenue collected from the business license and TOT programs.

**REVIEWED BY:**

- Department of Finance                     N/A
- County Counsel                                 N/A
- Human Resources                                 N/A

**SIGNATURES:**

**Reviewed By:**

Jeremy Tejirian  
Planning Manager

Brian C. Crawford  
Director

Attachments:

1. An Ordinance on posting of Short Term Rentals, Payment of Taxes, and Business Licenses

MARIN COUNTY BOARD OF SUPERVISORS

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING CERTAIN REQUIREMENTS FOR SHORT TERM RENTALS BY ADDING CHAPTER 5.41 POSTING OF SHORT TERM RENTALS, PAYMENT OF TAXES, AND BUSINESS LICENSES TO THE MARIN COUNTY CODE

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SECTION I: FINDINGS

- 1. **WHEREAS**, the Marin County Board of Supervisors finds that the growth of short term rentals may lead to neighborhood conflicts unless appropriate management rules are established and understood by property owners, community members, and decision makers.
- 2. **WHEREAS**, on February 13, 2018, the Marin County Board of Supervisors held a duly noticed first reading of this stand-alone Ordinance.
- 3. **WHEREAS**, on March 13, 2018, the Marin County Board of Supervisors held a duly noticed public hearing to take public testimony and consider this stand-alone Ordinance.
- 4. **WHEREAS**, the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because it would not result in any potential environmental impacts.

SECTION II: ACTION

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby adopts Ordinance No. \_\_\_\_ and adds Chapter 5.41 POSTING OF SHORT TERM RENTALS, PAYMENT OF TAXES, AND BUSINESS LICENSES to the Marin County Code, consisting of Exhibit "A" to Marin County Ordinance No. \_\_\_\_.

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.

This Ordinance shall remain in effect for a period of 12 months from the adoption date, unless extended by the Board of Supervisors.

SECTION IV: VOTE

Introduced at a regular meeting of the Board of Supervisors held on the 13th day of February, 2018, and adopted by the Board of Supervisors of the County of Marin, State of California, on the 13th day of March, 2018, by the following vote to wit:

AYES: SUPERVISORS

NOES:

ABSENT:

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DAMON CONNOLLY, PRESIDENT  
MARIN COUNTY BOARD OF SUPERVISORS

ATTEST:

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Matthew H. Hymel  
Clerk of the Board of Supervisors

**5.41 POSTING OF SHORT TERM RENTALS, PAYMENT OF TAXES, AND BUSINESS LICENSES**

**5.41.010**

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.
- B. The term "Local Contact Person" is defined herein as a person who is available to respond to Short term rental complaints.

**5.41.030 BUSINESS LICENSE REQUIRED**

Owners of short term rentals shall obtain a Business License and remit Transient Occupancy Tax in conformance with the requirements of the Marin County Department of Finance.

**5.41.040 COMPLAINT RESPONSE**

The Local Contact Person shall physically respond to any complaint regarding the condition, operation, or conduct of the occupants of the short term rental, and take any necessary remedial action to resolve such a complaint in a timely manner.

**5.41.050 SIGNAGE**

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 names of the property owner and local contact person, the street address of the short term rental, phone number for the Local Contact Person, and numbers of the business license and transient occupancy tax certificate. At a minimum, the sign shall be posted while the unit is being used as a short term rental.
- 2. 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.
- 3. In cases where the property is not visible to the public, more than one sign may be required to be posted, as determined by the Community Development Agency Director.

**5.41.060 ADMINISTRATIVE CITATION OF PROPERTY OWNER(S) FOR FAILURE TO COMPLY WITH SIGN POSTING REQUIREMENTS**

- A. Property owner(s) failing to comply with the sign posting requirements of this chapter 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 (1) year;
    - c) \$500.00 for each additional violation of this Ordinance within one (1) year; and
    - d) The fourth and subsequent violation within one (1) 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 (1) 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.
  2. 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.
  3. 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.
  4. 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.

**5.41.070 ADMINISTRATIVE REVIEW ON THE IMPOSITION OF ADMINISTRATIVE FINES FOR FAILURE TO COMPLY WITH SIGN POSTING REQUIREMENT; APPEAL**

- A. Any person subject to an administrative fine pursuant to Section 5.41.060, et seq. 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 Deputy Zoning Administrator in writing within forty-five days of the issuance of the citation.

- B. The hearing officer shall be the Deputy Zoning Administrator (DZA) or his/her designee. 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).
- C. The person upon whom an administrative fine is imposed pursuant to Section 5.41.060 may appeal the decision of the hearing officer. No appeal can lie unless the party filing the appeal has first properly requested the administrative review under Subsection 5.41.070.
- D. The appeal must be filed within twenty days after service of the final decision issued by the hearing officer pursuant to California Government Code Section 53069.4, subdivision (b). The procedures outlined in Government Code 53069.4 shall apply.

**5.41.080 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.