



City of Nevada City

Hosted Short-term Rentals

On December 9, 2015, the Nevada City Council adopted Ordinance No. 2015-12 enacting the NC Hosts initiative without change. It added Section 17.72.080 to the Nevada City Municipal Code, regulating and allowing hosted short-term rental of up to two units in residential dwellings effective January 8, 2016. A copy of the ordinance is attached.

The annual registration requirement should be complied with by a business license application that includes a supplementary Hosted Short-Term Rental Application/Questionnaire providing the City information on your hosted short-term rental operation. We are enclosing copies of a business license application and the supplementary application/questionnaire for your convenience. Please note that the newly adopted ordinance requires the quarterly payment of transient occupancy tax (TOT). TOT registration is required within thirty days after commencing your hosted, short-term rental business. Information pertaining to how one registers their rental unit(s) and how one remits tax to the City is available in an excerpt version of the full code section provided as enclosure 4. The full version of Municipal Code Section 3.24 regulating Transient Occupancy Tax is available on the City's website.

If you intend to use your property for hosted short-term rentals any time within the next year, please complete and submit the enclosed business license application and supplemental application/questionnaire along with your business license payment and the \$100 registration fee to the City at your earliest convenience to ensure your future rentals are in compliance with our local ordinance. Amongst its provisions, the ordinance requires that the owner or manager of a hosted short-term rental operation also distribute a courtesy notice to neighboring property owners. A sample courtesy notice is also enclosed. Pursuant to the adopted Ordinance, the City has also prepared Conduct Guidelines known as the "Good Neighbor Policy" to be presented to hosted short-term renters prior to or upon occupancy of a rental unit.

If you have any questions please contact City Planner, Amy Wolfson. Thank you!

Sincerely,

Amy Wolfson
City Planner
(530) 265-2496 x130
Amy.Wolfson@nevadacityca.gov

Enclosures:

- 1) *Ordinance Section 17.72.080*
- 2) *Business License Application*
- 3) *Hosted Short-Term Rental Supplemental Application/Questionnaire*
- 4) *Ordinance Section 3.24 (TOT Excerpt)*
- 5) *Neighborhood Courtesy Notice*
- 6) *Good Neighbor Policy*

“Section 17.72.080 Hosted short-term rentals.

A. Definitions. The following terms shall have the following definitions in this section.

1. “Manager” shall mean the Owner or an agent of the Owner responsible for managing the Hosted short-term rental of a Unit(s) under this section.
2. “Property” shall mean a single-family residential.
3. “Owner” shall mean the record owner of the Property.
4. “Hosted short-term rental” shall mean the rental of all or a portion of a Unit for less than thirty (30) days.
5. “Unit” shall mean a room or dwelling unit on a Property used for sleeping or living quarters, including a guest house located on the Property.

B. Hosted short-term rentals. Notwithstanding anything to the contrary in this code, including Sections 17.72.038 and 17.72.120, the Hosted short-term rental of Units within a Property by the Owner is permitted within all residential zones and uses subject to the following terms and conditions:

1. The Owner shall register the Property annually with the City prior to offering any Unit for Hosted short-term rental. The Owner and Manager shall affirm in such registration that he, she or it shall comply with all requirements of this Section. The City may adopt and modify procedures for the registration of Properties consistent with the requirements of this Section. However, the issuance of a registration shall be processed ministerially upon the filing of a full and complete application by the Owner.
2. No more than two (2) Units within a Property may be rented or offered for rent at the same time.
3. The Owner or Manager shall reside at the Property or in Nevada County to ensure adequate and timely response to any police, code enforcement or other City action related to the Property. The Owner or Manager shall provide emergency contact information to the City with its annual registration.
4. Units shall comply with all applicable building and similar codes, including providing all required sanitation facilities.
5. No more than one (1) vehicle per Unit shall be allowed during each Hosted short-term rental.
6. The Owner or Manager shall comply with the requirements of Chapter 3.24 of this Code, including paying all applicable transient occupancy tax.
7. This Section does not and is not intended to permit an Owner to

use his or her Property solely for Hosted short-term rentals.

8. The Owner and Manager shall comply with all applicable provisions of this Code and other applicable law. This Section does not authorize any activity otherwise prohibited by applicable law. Without limiting the foregoing, commercial meetings such as luncheons, parties, weddings, charitable fundraising, or other gathering for direct or indirect compensation are not allowed. In addition to any other applicable remedies, any violation of this section shall constitute a public nuisance.

9. Owner or Manager, prior to the initial hosted short-term rental, will distribute a courtesy neighborhood notice of their intent to provide hosted short-term rental(s) and how short-term renters will be accessing the residence.

10. Conduct Guidelines set forth by the City of Nevada City shall be presented to hosted short-term renters prior to or upon their occupancy of the unit.



City of Nevada City

HOSTED SHORT-TERM RENTAL SUPPLEMENTAL APPLICATION/QUESTIONNAIRE

(This form is required to be submitted with a Business License application)

1. Rental Property
Address: _____, Nevada City, CA

2. Owner
Name: _____
Phone: _____
Email Address: _____
Mailing Address: _____

3. Manager, if not Owner
(Owner or manager
must reside in Nevada
County)
Name: _____
Phone: _____
Email Address: _____
Mailing Address: _____

4. Number of units for rental (cannot exceed 2) _____

NOTE: "Unit" for short-term rental shall mean a room or dwelling unit on a Property used for sleeping or living quarters, including a guest house located on the Property.

- 4a. Unit 1 type (circle 1): Room / Dwelling unit / Guest house
- 4b.. Unit 2 type (circle 1): Room / Dwelling unit / Guest house
(skip if not applicable)

5. The City's hosted Short-Term Rental Ordinance prohibits the use of a property "solely" for short-term rental. Please describe any other use of the property.

6. Alternate Emergency Contact in Nevada City if listed Owner or Manager cannot be reached:

Name: _____

Home Phone: _____

Cell Phone: _____

Email Address: _____

Residence Address: _____, Nevada City, CA 95959

7. Affirmations/Agreements: By completing this Application the Owner/Manager affirms that he/she will:
- comply with all applicable Federal, State, County and City regulations, including requirements of the City regarding hosted short-term rentals codified in Municipal Code Section 17.72.080 and the General Regulations provided with this application;
 - provide a courtesy neighborhood notice of intent to provide hosted short-term rentals and how the renters will be accessing the residence;
 - present Conduct Guidelines approved by the City to each renter of hosted short-term rental unit(s) and ensure that they are familiar with City noise regulations per Municipal Code Section 8.20.030;
 - keep a log of rental guests with their name(s), contact information, and vehicle license number that shall be available to City for inspection upon request;
 - make timely reports and payments of Transient Occupancy Tax when due within 30 days following the end of each quarter pursuant to Municipal Code Chapter 3.24;
 - maintain all rental units in good repair and safe condition in compliance with all applicable building and similar codes, including provision of all required sanitation facilities;
 - maintain a current business license at all times and post the business license number on any website(s) advertising the rental unit(s);
 - re-register active hosted short-term rentals annually and keep all application information current;
 - co-operate with City officials and Police in enforcement of applicable regulations.

The undersigned Owner/Manager of the above-referenced hosted short-term rental unit(s) affirms that the information contained herein is true and correct and that he/she has reviewed and is familiar with the regulations referred to, including, without limitation, the hosted short-term rental regulations and noise restrictions in Municipal Code Section 17.72.080 and Chapter 3.24, attached and will maintain compliance with these provisions.

(signature of Owner/Manager)

Dated: _____

(printed name of signing party)

Chapter 3.24 - TRANSIENT OCCUPANCY TAX

Sections:

3.24.010 - Title of provisions.

This chapter shall be known as "the transient occupancy tax ordinance of the city of Nevada City."
(Ord. 332 § 1, 1967)

3.24.020 - Definitions.

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter:

"Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodginghouse, roominghouse, apartment house, dormitory, public or private club, mobilehome or house trailer at a fixed location, or other similar structure or portion thereof.

"Occupancy" means the use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

"Operator" means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

"Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

"Rent" means the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

"Tax collector" means the city clerk.

"Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of the ordinance codified in this chapter may be considered.

(Ord. 332 § 2, 1967)

3.24.030 - Rate. –See Sec. 3.24.035, Additional Rate

- A. For the privilege of occupancy in any hotel or motel, each transient is subject to and shall pay a tax in the amount of eight percent of the rent charged by the operator.
- B. The tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city.

- C. The transient shall pay the tax to the operator of the hotel or motel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel or motel. If for any reason the tax due is not paid to the operator of the hotel or motel, the tax collector may require that such tax shall be paid directly to the tax collector.

(Ord. 83-9 § 1, 1983; Ord. 332 § 3, 1967)

3.24.035 - Additional rate.

For the privilege of occupancy in any hotel or motel, each transient is subject to and shall pay an additional tax in the amount of two (2) percent of the rent charged by the operator in addition to the eight (8) percent transient occupancy tax required by Section 3.24.030, such that the total tax required by Sections 3.24.030 and 3.24.035 shall be ten (10) percent of the rent charged. Said tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the additional tax to the operator of the hotel or motel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel or motel. If for any reason the tax due is not paid to the operator of the hotel or motel, the tax collector shall require that such tax shall be paid directly to the tax collector.

(Ord. 91-06 § 1, 1991)

3.24.040 - Exemptions.

- A. No tax shall be imposed upon:
1. Any person as to whom, or any occupancy as to which, it is beyond the power of the city to impose the tax herein provided;
 2. Any federal or state officer or employee when on official business;
 3. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty;
 4. Any occupant of a hospital, medical clinic, convalescent home or home for aged people.
- B. No exemption shall be granted under subsection A of this section except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by the tax collector.

(Ord. 332 § 4, 1967)

3.24.050 - Operator's duties.

Each operator shall collect the tax imposed by this chapter to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that if added, any part will be refunded except in the manner provided in this chapter.

(Ord. 332 § 5, 1967)

3.24.060 - Registration requirements.

Within thirty days after the effective date of the ordinance codified in this chapter, or within thirty days after commencing business, whichever is later, each operator of any hotel renting occupancy to transients shall register the hotel with the tax collector and obtain from him a transient occupancy registration certificate to be at all times posted in a conspicuous place on the premises. The certificate shall, among other things, state the following:

- A. The name of the operator;
- B. The address of the hotel;
- C. The date upon which the certificate was issued;
- D. A statement as follows:

This Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Transient Occupancy Tax Ordinance of the City of Nevada City by registering with the tax collector for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the Tax Collector. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any commission, department or office of this City. This certificate does not constitute a permit.

(Ord. 332 § 6, 1967)

3.24.070 - Reporting and remitting.

- A. Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the tax collector, make a return to the tax collector, on forms provided by him, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the tax collector. The tax collector may establish shorter reporting periods for any certificate holder if he deems it necessary in order to ensure collection of the tax, and he may require further information on the return.
- B. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the city until payment thereof is made to the tax collector.

(Ord. 332 § 7, 1967)

3.24.110 - Recordkeeping by operators.

It shall be the duty of every operation liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of three years, all records that may be necessary to determine the amount of such tax, which records the tax collector shall have the right to inspect at all reasonable times.

(Ord. 332 § 11, 1967)

Neighborhood Notice of Intent to Rent Hosted Short-Term Rentals

At my home at _____, Nevada City, CA

(Address of property to be rented)

Hello Neighbors,

As you may know I am the owner/manager of residential property located close to you at _____. The City of Nevada City's newly enacted Municipal Code Section 17.72.080 allows me to rent up to two rooms in my residence or a guest unit on my property to overnight guests on a short-term basis (less than 30 days). I am registering my property with the City to qualify to make this use of my property. You are receiving this notice because as part of the application process I am required to mail or deliver this notice to neighbors in the immediate vicinity of my home who may be affected by this use so that you are aware of such activity.

Below is a brief description of my proposed hosted short-term rental including the number and location of bedrooms/units I intend to rent. I have also included relevant information you might find useful such as where they will be parking and how they will be accessing my residence.

Parking: _____

Access: _____

It is my intent that such rentals neither inconvenience nor adversely impact the neighborhood. I have provided contact information to the City in the event that a problem arises, but am also providing a contact number for you. The phone number for you to reach me with any concerns you may have is:

Phone Number (required): _____

Additionally you may contact the City of Nevada City with questions or concerns at 530-265-2496. Please see page 2 for General Regulations I must comply with in making such hosted short-term rentals.

Cordially,

(name of owner/manager)

General Regulations for Hosted Short-Term Rentals

An annual Application to offer a unit on one's property -- defined as a room in a home or a guest unit on one's property -- for hosted short-term rental must be submitted to the City of Nevada City. If the description of the unit meets the ordinance set forth, the owner/applicant may proceed with the next requirement—to notify neighbors.

- 1) Acceptance of this application requires the resident, and manager/agent, if applicable, to agree to abide by the requirements below and document that the Neighborhood Notification requirements have been met. The owner may designate a manager/agent to manage their hosted short-term rental.
- 2) Annual renewal requires that the requirements have been met again.
- 3) Hosted Short-term rentals are limited to renting a maximum of 2 bedrooms in one's home to overnight guests. These bedrooms may be located within a house or accessory dwelling unit (guest unit) or detached accessory structure. Rental of an entire residence is not allowed.
- 4) Hosts must inform the city of listing services for their short-term rentals, including numbers assigned to them by the listing service for identification purposes. The listing service must also include the license number issued by the City.
- 5) The resident of the hosted short-term rental must reside in Nevada County. If the rental is operated by an agent or manager they, too, must reside in Nevada County, in close proximity to the short-term rental to be able to respond to any issue that may arise.
- 6) The number of residents and guest occupying each rental unit may not exceed two adults and their children.
- 7) Units offered for rent must comply with city or county building codes.
- 8) A document prepared by the City that summarizes the general rules of conduct, consideration, and respect, including, without limitation, provisions of the City of Nevada City Municipal Code and other applicable laws, rules or regulations pertaining to the use and occupancy of a hosted short-term rental unit must be presented to every short-term rental guest.
- 9) Signs advertising short-term rentals are not allowed.
- 10) Parking is limited to one car per guest unit.
- 11) Services for normal maintenance, repair and care of the residence or site such as yard maintenance or house cleaning are allowed.
- 12) Commercial meetings such as luncheons, parties, weddings, charitable fund raising, or other gathering for direct or indirect compensation are not allowed to be held by guests.
- 13) Owners offering short-term rentals must insure the guest property.
- 14) Hosted short-term rental businesses must register their business with the City of Nevada City, pay a business licensing fee, and collect and remit transient occupancy taxes (TOT).



City of Nevada City

HOSTED SHORT-TERM RENTAL GOOD NEIGHBOR POLICY

Dear Guest,

Welcome to Nevada City! Hosted short-term rentals are an ideal way to share our beautiful historic town with guests around the world. This manner of guest accommodation allows you an experience that is authentic to residential living in Nevada City. Because this authentic experience necessitates that non-residents immerse themselves into established residential neighborhoods, it is important that all guests demonstrate respect for the community and the people that call our town home. To that end, Nevada City respectfully requests that you abide by the following "Good Neighbor Policy:"

1. **24-Hour Contact Information.** If at any time you have concerns about your stay, please call the 24-hour contact number listed below. In the event of an emergency, please call 911.

Host owner/manager contact number: _____

2. **Respect for Neighbors.** Be friendly and courteous, and treat your neighbors like you wish to be treated. Please be familiar with and abide by any "house rules" imposed by the host including, but not limited to smoking, parking, occupancy limitation, and pet supervision.
3. **Noise.** Nighttime noise limits and quiet hours are imposed **from 9pm to 7am**. Please be considerate of the neighborhood and your neighbor's right to quiet enjoyment of their home and property. All guests shall abide by the noise controls established for residential uses in Chapter 8.20 of the Municipal Code.
4. **Maintenance of Property:** Please pick up after yourself and keep the property clean, and free of trash.
5. **Property Use.** In no instance may a short-term rental agreement allow for commercial meetings such as luncheons, parties, weddings, charitable fundraising, or other special event gathering.
6. **Pets.** If pets are allowed under the terms of your rental agreement, please promptly clean-up after them. Prevent excessive and prolonged barking and keep pets from roaming the neighborhood. Store pet food indoors and in a secure manner in order to prevent enticement of wildlife and pests onto the premises.
7. **Parking & Traffic Safety.** Please park on-site whenever possible. Do not park on lawns or park in a manner which blocks driveways, sidewalks, or alleys. Drive slowly through neighborhoods and watch for pedestrians and children playing. No more than one vehicle is permitted for each short-term rental.
8. **Tenant/Guest Responsibility:** Only registered guests and approved visitors are permitted on the premises of the hosted short-term rental property. All guests and visitors are expected to follow the Good Neighbor Guidelines. Please read your rental agreement for additional terms and restrictions.

Thank you for your cooperation in maintaining the neighborly fabric of Nevada City's residential community. We hope you enjoy your stay as a guest in our very special town.

Yours truly,

Amy Wolfson
Nevada City Planner