AN ORDINANCE OF THE TOWN OF TRUCKEE AMENDING THE TOWN OF TRUCKEE MUNICIPAL CODE BY ADOPTING CHAPTER 5.02 REGARDING REGULATION OF SHORT-TERM RENTALS, CHAPTER 9.20 REGARDING NOISE REGULATION, AND AMENDING SECTION 3.24.020 REGARDING TRANSIENT OCCUPANCY TAX

WHEREAS, the Town Council recognizes that short-term rentals of houses and condominiums provide a popular lodging alternative to hotels; and

WHEREAS, the popularity of short-term rentals of houses and condominiums in Truckee has brought significant numbers of visitors to Truckee, but the Town has not previously taken any steps to regulate such rentals other than by collecting transient occupancy tax; and

WHEREAS, taking into account comments from Truckee residents and operators of short-term rental facilities, the Town Council finds and determines that there is a need to establish a set of regulations for the operation and management of short-term rental facilities, including the requirement to obtain a registration certificate for the operation of each property which will be operated as a short-term rental; and

WHEREAS, the creation of unreasonable levels of noise can be disruptive and deleterious to the health and safety of those who hear it, and establishing limits for various types of noise will allow for better enjoyment of Truckee by residents and visitors; and

WHEREAS, the “rent” definition in Section 3.24.020 of the Truckee Municipal Code, which is part of the Town’s transient occupancy tax ordinance, is awkwardly written with respect to credit card processing charge rebates, which has caused confusion among operators of lodging, and clarifying the definition will lead to better understanding of its terms without expanding in any way the charges that are subject to transient occupancy tax; and

WHEREAS, Title 5 of the Truckee Municipal Code contains licensing and regulatory requirements for specific types of businesses, but is currently titled “Business Licenses”, which does not fully reflect the contents of the title;

The Town Council of the Town of Truckee Does Ordain as Follows:

Section 1. The recitals above are incorporated herein.

Section 2. Title 5 of the Truckee Municipal Code is hereby renamed from “Business Licenses” to “Business Licenses and Regulations”. All references to Title 5 in the Municipal Code which describe the title thereof as “Business Licenses” are hereby amended to “Business Licenses and Regulations”, including without limitation the references in Section 1.01.040, the table of contents for Title 5, and the heading for Title 5.
Section 3. Chapter 5.02 of the Truckee Municipal Code is hereby adopted, to read as set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 4. Chapter 9.20 of the Truckee Municipal Code is hereby adopted, to read as set forth in Exhibit B, attached hereto and incorporated herein by reference.

Section 5. Subsection (e) of Section 3.24.020 of the Truckee Municipal Code is hereby amended to read as follows:

(e) “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 of nature, without any deduction therefrom whatsoever except such deductions as the tax administrator may authorize from time to time where monies received by the operator do not represent income taxable by the Town, and provided that rebates of credit card processing costs provided by a credit card processor to the operator shall not constitute rent for purposes of this chapter.

Section 6. If any provision of this ordinance or the application thereof to any person or circumstances is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

Section 7. The Town Clerk is hereby directed to publish this ordinance or a summary thereof in accordance with the law.

* * * *

The foregoing ordinance was introduced at a regular meeting of the Truckee Town Council held on the ___ day of _____, 2020, and adopted at a regular meeting of the Truckee Town Council, on the ____ day of _____, 2020; _________, moved for the adoption, the motion was seconded by ___________ and was carried by the following vote:

AYES:

NOES:

ABSENT:

__________________________
David Polivy, Mayor

ATTEST: APPROVED AS TO FORM:

___________________________
Judy Price, MMC, Town Clerk

___________________________
Andy Morris, Town Attorney
CHAPTER 5.02 TRANSIENT RENTALS OF RESIDENTIAL UNITS

5.02.010 Purpose

Truckee is known for its scenic beauty and recreational opportunities. Short-term rentals have existed in Truckee for many years, but a surge in popularity of this type of lodging in Truckee has created a need to protect the health and safety of residents and guests and to protect the environment, by establishing a registration system and operating procedures standards for short-term rentals in Truckee. All requirements, regulations and standards imposed by this chapter are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in the Truckee Municipal Code, state and federal law. The Town may amend, supersede, and/or supplement this chapter at any time to impose additional or different requirements and restrictions on the operation of short-term rentals, including without limitation the enactment of a complete prohibition on the operation of short-term rentals.

5.02.020 Definitions

The following words, phrases and terms as used in this chapter shall have the following meanings:

“Bedroom” means a room that contains a minimum of seventy (70) square feet and a closet, the construction of which was authorized by a building permit, which meets all requirements of the California Residential Code and contains a window or opening that can be used for emergency egress.

"Guest" or "Guests" means the individual or individual(s) occupying the short-term rental for the purposes of staying overnight.

"Local contact person" means an individual who is personally available by telephone on a twenty-four (24) hour basis and who maintains the ability to be onsite within sixty (60) minutes and who has access and authority to assume management of the short-term rental. An agent or professional property management company that meets the availability requirements can serve as the local contact person.

“Operator” means any and all of the following: (i) the person who is a legal owner of a short-term rental; (ii) a person who has the legal right to possession of a short-term rental; (iii) a person who has a legal right to receive or collect any monies as rent for the occupancy of a short-term rental; and (iv) any manager, agent, representative or other similar person acting under the authority or at the direction of the owner or other operator of a short-term rental.

"Short-term rental" means a single-family dwelling, an accessory dwelling unit, multi-family dwelling unit, studio, condominium, townhouse, duplex, guesthouse, bedroom within an existing residential unit, tiny home, cabin, multi-person dwelling, or yurt, constructed with a building permit, rented for the purpose of continuous overnight lodging for a period of not less than one night and not more than thirty (30) days.

"Transient occupancy registration certificate" means the certificate described in Chapter 3.24 of this code.
5.02.030  Registration Certificate Requirements

A.  Registration certificate required. It is unlawful for any person to advertise, maintain, operate or use a short-term rental within the Town of Truckee without a transient occupancy registration certificate, or in violation of the terms and conditions of the certificate or of this chapter (including without limitation the occupancy restrictions set forth in the certificate). It is unlawful for any person to advertise, maintain, operate, or use as a short-term rental an accessory dwelling unit or junior accessory dwelling unit, as those terms are used in California Government Code Section 65852.2, as it may be amended from time to time. No transient occupancy registration certificate shall be issued for any accessory dwelling unit or junior accessory dwelling unit for which a building permit was issued on or after January 1, 2020. Each rental occurring without a transient occupancy registration certificate, and each rental of an accessory dwelling unit or junior accessory dwelling unit, shall be a separate violation. Transient occupancy registration certificates shall be renewed annually, and separate certificates are required for each short-term rental. The certificate requirements for short-term rentals are set forth below. The issuance of any certificate pursuant to this article does not relieve the owner of the obligation to comply with the other provisions of this code pertaining to the use and occupancy of the short-term rental or the property in which it is located. Short-term rentals are allowed in all zone districts that allow residential use with approval of a transient occupancy registration certificate.

B.  Exemption. The provisions of this chapter shall not apply to the operation of a “Bed and Breakfast Inn”, as that term is defined in Title 18 of this code, provided the Bed and Breakfast Inn is allowed in the zone in which it is located, and further provided that nothing herein shall relieve the operator of the Bed and Breakfast Inn from the requirements of Chapter 3.24 of this code, including without limitation the requirement to obtain a transient occupancy registration certificate and to collect and remit transient occupancy tax.

C.  Application process. An application for a transient occupancy registration certificate shall be submitted by the operator to the Town of Truckee’s Administrative Services Department. Each transient occupancy registration certificate application shall be accompanied by a nonrefundable transient occupancy registration certificate fee. The fee schedule shall be established by resolution of the Town Council following a public hearing, and may be adjusted by resolution of the Town Council following a public hearing. Permits and fees required by this chapter are in addition to any license, permit, certificate or fee required by any other chapter of this code. Each application shall at a minimum include the following:

1.  Operator name and contact information.

2.  The name of the local contact person, if different from the operator, and a telephone number at which the local contact person may be reached within 30 minutes.

3.  Address and assessor's parcel number for property at which the short-term rental is located.

4.  Rental unit type (i.e. home, condominium). If more than one residential unit is located on the property, the application must identify if the rental unit is the property's primary or secondary dwelling.

5.  Maximum occupancy. The maximum occupancy of a short-term rental shall be two guests per bedroom, plus two additional people, excluding children under thirteen five (135) years of age. Occupancy limits shall apply between the hours of 10:00 pm and 7:00 am.
6. Total number of on-site parking spaces. Within the Downtown Mixed Use (DMU) zone, if on-site parking is not available, an alternative parking plan must be provided designating the location of off-site parking.

7. Proof of existing garbage service, with a total number of trash receptacles satisfying the requirements of Section 5.02.040 of this chapter.

8. Number and location of fire extinguishers, smoke detectors, and carbon monoxide alarms, and certification of compliance with Fire Code and fire safety requirements, including those pertaining to fire extinguishers, smoke detectors, and carbon monoxide alarms.

9. Date of the most recent inspection (if any) of the short-term rental conducted by the Truckee Fire Protection District pursuant to this chapter.

10. Acknowledgment that the operator has read and understood this chapter, and the Town’s noise, parking, garbage collection, guest safety and operational standards.

11. If the information supplied by the operator on the application for a transient occupancy registration certificate is not consistent with Town records, an inspection may be required prior to or after the issuance of the transient occupancy registration certificate. An inspection fee shall be charged for the inspection.

D. Term and scope of certificate. A transient occupancy registration certificate issued under this chapter shall expire at the end of the calendar year for which it is issued, unless revoked or suspended earlier. The certificate authorizes the operator to operate the short-term rental only in accordance with the terms and conditions of the certificate. Subject to the provisions of Section 5.02.060 herein, a permit certificate will be renewed if prior to expiration, the following is provided: updated application information (if changes have occurred), new certifications and acknowledgments required in subsections B.8, B.11, and B.12 above, and payment of the registration fee. Renewal applications may be submitted commencing on October 1st of each year. Renewals for which applications are received after November 30th in a given year might not be received by applicants prior to January 1st, and the advertisement or operation of a short-term rental for which a renewed certificate has not been received shall constitute a violation of this chapter.

E. Acceptance of registration certificate; no vested rights. Acceptance by an operator of a transient occupancy registration certificate shall constitute acknowledgment and acceptance of, and consent to: (i) the requirements and provisions of this chapter; (ii) the lack of any vested right to operate a short-term rental; and (iii) the Town’s right to adopt or amend at any time restrictions on the operation of short-term rentals, including without limitation a complete prohibition on short-term rentals.

F. Effective date. This section shall take effect on January 1, 2021, provided that operators without transient occupancy registration certificates shall not be in violation of the transient occupancy registration certificate requirement until April 1, 2021.

5.02.040 Operational Standards

All short-term rentals shall comply with the following standards at all times, regardless of whether a property registered as a short-term rental is being used as such on a given day, and shall not generate other potential disturbances which may disrupt the peace, safety, and general welfare of the neighborhoods in which they are located.
A. Operator responsibilities and recordkeeping. The operator shall inform guests that they must not violate the standards of this chapter. The operator shall be responsible for taking any action necessary to ensure that guests abide by the terms of this chapter and other applicable provisions of this code. The operator shall collect and maintain for each guest registration the name and contact information of the registered guest, the number of guests, and the amount of rent paid (including all ancillary charges such as cleaning charges). All such records shall be maintained for a period of three years, and shall be furnished to the Town within five days upon request.

B. Local contact person. A local contact person shall be personally available by telephone on a twenty-four (24) hour basis, and shall respond by phone within thirty (30) minutes of contact by Town of Truckee employees or agents or the guest(s). Notwithstanding the foregoing, a local contact person shall be physically present at the short-term rental within sixty (60) minutes of contact, for a period of one year following any citation, notice of violation, or fine issued in connection with the operation of the short-term rental. Upon receiving a call or complaint about physical conditions or circumstances that constitute an immediate threat to the public health and safety, the local contact person shall immediately contact the appropriate law enforcement, fire, or other authority. Upon receiving any other call or complaint about the short-term rental, the local contact person shall cause the discontinuance of any violation of this chapter within sixty (60) minutes.

C. Parking. On-site parking shall be provided for each short-term rental, except as provided in an alternative parking plan approved pursuant to section 5.02.030.C.6 of this chapter. No vehicle parked at a short-term rental (including without limitation boat trailers and recreational vehicles) may be parked on the street, in an unpaved area, or in a location or manner that does not comply with the parking plan approved by the Town for the short-term rental.

D. Noise. All short-term rental guests shall comply with the standards of Chapter 9.20 of this code regarding noise, which provides that the standard for what constitutes prohibited unreasonable noise is stricter between the hours of 10:00 pm and 7:00 am. The nighttime noise restrictions shall be posted inside the short-term rental in a location readily visible to all guests.

E. Trash collection. With the exception of trash properly deposited in trash collection receptacles, accumulation of trash and debris outside of a short-term rental at any time is prohibited. Weekly trash collection must be provided for each short-term rental. A minimum service level of two trash cans shall be maintained for each short-term rental, in addition to recycling service. If two trash cans is insufficient to accommodate all trash generated by occupants of the short-term rental, the operator shall arrange for whatever increased level of service is required to accommodate all trash. Except for: (i) short-term rentals for which solid waste collection is maintained at a central location operated by a homeowners association or property owners association; and (ii) short-term rentals located in a neighborhood in which trash collection service from garages or other indoor locations is required by a homeowners association or property owners association and maintained by the operator, each short-term rental shall be equipped with one or more bear-resistant trash can enclosures meeting the requirements of Section 6.01.040.E of this code and large enough to hold a minimum of two trash cans, or such larger number of cans as is required pursuant to this paragraph, not later than October 31, 2021.

F. Interior posting requirements. The following information shall be posted within the interior of the rental unit in a visible location: the maximum number of guests permitted, notification that trash and recyclable materials must be placed into cans provided for that purpose and where such cans are located, a summary of the Town’s dog ordinance, notification that all vehicles
must be parked on paved areas on the property or in a manner consistent with an alternative parking plan approved pursuant to Section 5.02.030.B.6, contact information for the local contact person, emergency evacuation information, and a notice to guests of potential financial penalties for violating the provisions of this chapter. For short-term rentals with wood-burning fireplaces or woodstoves, instructions on the safe operation of such appliances and the safe disposal of ashes shall be posted.

G. Smoke alarms. Smoke alarms, in good working order, shall be installed at a minimum in each bedroom, and at least one alarm on every level of the short-term rental, including basements and habitable attics.

H. Carbon monoxide alarms. Carbon monoxide alarms, in good working order, shall be installed in accordance with current California Building Code requirements, and shall be installed in accordance with the manufacturer's installation instructions.

I. Fire extinguisher and ash can. 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. Fire extinguishers shall be inspected annually by a certified professional to ensure the extinguishers are in good working order. Each short-term rental with a wood-burning fireplace or woodstove shall be equipped with a metal container at least five gallons in size with a tight-fitting lid, which shall be clearly labeled for ash disposal.

J. Visible address. Each short-term rental shall have an address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Whenever the address on the short-term rental unit 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. Address identification characters shall contrast with their background and conform to the minimum size requirements of the California Fire Code, Section 505.1 of the 2019 edition of which requires numbers four inches tall with a minimum stroke thickness of one-half inch. A short-term rental in a condominium building that does not have an individual address may utilize the condominium building address and need not comply with these requirements.

K. Emergency communications. If located in an area with inadequate cellular service, each short-term rental unit shall contain a working landline phone or Voice Over Internet Protocol phone.

L. Fire inspections and other inspections. The operator of each short-term rental shall allow Truckee Fire Protection District staff to conduct an inspection once every three years, and more often upon request by the Truckee Fire Protection District or the Town of Truckee, to ensure the short-term rental complies with: (i) the requirements of this chapter pertaining to smoke detectors, carbon monoxide alarms, fire extinguishers, visible address, emergency communications, outdoor fireplaces and fire pits, and grills and barbecues; and (ii) Truckee Fire Protection District defensible space requirements. In addition, the operator of each short-term rental shall allow Town of Truckee staff to inspect any short-term rental upon request to ensure that the short-term rental complies with the requirements of this chapter and that the information contained in a transient occupancy registration certificate application is correct. The inspections, including re-inspections due to non-compliance and inspections prompted by complaints, are subject to the applicable Truckee Fire Protection District fee schedule cost for inspections.
Records of such inspections shall be provided by the Truckee Fire Protection District to the Town of Truckee.

M. Advertisements. Each advertisement for a short-term rental shall list the maximum number of occupants permitted by the transient occupancy registration certificate or a lesser number if desired by the operator, the maximum number of parking spaces onsite or allowed offsite by an approved alternative parking plan, and the number of the transient occupancy registration certificate.

5.02.050 Prohibitions

A. Prohibited short-term rentals. A structure or property with a recorded covenant, deed restriction or agreement restricting its use, including without limitation dwelling units with affordability restrictions, and dwelling units for which short-term rentals are prohibited, shall not be used for short-term rentals. Short-term rentals are not allowed in structures not intended for residential occupancy under the California Building Code Standards and this code.

B. Incidental camping. A transient occupancy registration certificate does not authorize incidental camping, which means any overnight camping, sleeping in tents or on decks attached to the short-term rental unit, or sleeping in travel trailers or recreational vehicles parked on the short-term rental property.

C. Outdoor fireplaces. No wood burning pits, bonfires, or campfires are permitted to occur at short-term rentals. Natural gas/propane burning fireplaces and fire pits with twenty (20)-pound tanks or smaller are acceptable outside provided the device is at least ten feet from a structure and any flammable materials.

D. Grills and barbeques. Grills and barbeques are not permitted beneath a potentially flammable source including trees, umbrellas, decks, or other appurtenant structures. All grills and barbeques shall be no less than ten feet from a structure and any flammable materials, such as a woodpile. Charcoal grills of any type are prohibited at short-term rentals.

E. Subletting. Guests are prohibited from subletting a short-term rental. Only operators with a valid transient occupancy registration certificate may advertise and rent a residential unit as a short-term rental.

F. Special events. Weddings, corporate events, commercial functions, and any other similar events if such events or functions have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at a short-term rental property, unless such events comply with all requirements of this chapter and this code generally, including without limitation requirements pertaining to occupancy limits, traffic, parking, and noise. The occurrence of any such event which violates any such requirements shall be a separate violation of this chapter, in addition to the violation created by noncompliance with such requirements.

G. Minimum stay. No short-term rental shall be rented for a period of less than two nights.

5.02.060 Penalties; certificate denial, suspension, and revocation

It is a misdemeanor and a public nuisance to violate any of the provisions of this chapter. Violations of this chapter are subject to the administrative citation provisions set forth in Chapter 1.03 of this code, provided that fines for violations of this chapter shall be as set forth below.
Any person violating the provisions of this chapter, including without limitation guests, operators, and local contact persons may be subject to administrative and/or judicial remedies as set forth herein. The owner of a short-term rental shall be deemed responsible for all violations of this chapter occurring at the short-term rental or in connection with its operation, provided that this shall not preclude the Town from issuing fines or citations to guests, or exercising other remedies against guests, if the guests are deemed to have committed the violation. In addition, the Town shall have the authority to suspend or revoke the transient occupancy registration certificate, or to maintain an action for injunctive relief. Unless otherwise expressly provided, the remedies, procedures and penalties provided by this section are cumulative as to each other and to any others available under state law or this code. In the event of any conflict between the penalties set forth in this chapter and any penalties set forth in state law, the maximum penalties allowable under state law shall govern.

A. Enforcement. An administrative penalty of up to five hundred dollars ($500) per day may be imposed for each violation of this chapter contained in a first administrative citation, and up to one thousand dollars ($1,000) per day for each violation contained in a second or subsequent administrative citation. A prior citation for purposes of this section shall be an earlier administrative citation for violation of this chapter on the same property that occurred less than one year prior to the current citation, provided that a previous citation issued to a guest shall not be deemed a prior citation for purposes of calculating the penalty for a subsequent citation issued to a guest at the same property.

B. Denial, suspension or revocation of a transient occupancy registration certificate. The Town may deny, suspend or revoke a transient occupancy registration certificate for any of the following reasons:

1. The transient occupancy registration certificate application is incomplete;

2. The transient occupancy registration certificate contains a false or misleading statement or omission of a material fact;

3. The short-term rental, operator or guest is currently in violation of, or has been found to be in violation of, any local, state or federal laws, statutes, ordinances, rules or regulations pertaining to the operation of a short-term rental;

4. The transient occupancy registration certificate of a short-term rental for which three citations have been issued for violations of this chapter within a 12-month period and not overturned on appeal, including without limitation citations issued to guests and citations issued to operators, shall be revoked, and a new certificate shall not be issued for a period of 12 months from the date of the certificate revocation.

5. The operator is delinquent on any payment to the Town of any fees, penalties, taxes, or any other monies related to the short-term rental including, but not limited to, transient occupancy taxes;

6. A transient occupancy registration certificate application may be denied due to prior revocation or suspension of a transient occupancy registration certificate;

7. The operation of a short-term rental is a threat to the public health, safety, or welfare;

8. The lack of a fire inspection within the preceding three years, a failed fire inspection unless documentation is provided that the conditions causing the failure were corrected and the short-term rental passed a subsequent fire inspection, or a refusal to allow a fire inspection or
other inspection of the short-term rental;

9. Absence/expiration of a transient occupancy registration certificate; or

10. Any required application fee or renewal fee has not been paid.

C. Appeal. Any operator or guest may appeal a penalty imposed pursuant to this chapter, or a denial, suspension, or revocation of a short-term rental permit to the Town’s tax administrator by filing a notice of appeal with the tax administrator within 10 calendar days of the serving or mailing of notice of the action taken. Following receipt of a notice of appeal, the tax administrator shall give not less than five days' written notice to the appellant, and to the complainant, if any, of an appeal hearing at a time and place fixed in the notice. At such hearing, the operator or guest may appear and offer evidence why the action being appealed should be overturned or modified. After such hearing the tax administrator shall determine whether the action should be sustained, overturned, or modified and shall thereafter give written notice to the appellant in the manner prescribed herein of such determination. An operator or guest aggrieved by the tax administrator’s decision regarding such appeal may appeal to the Town Council by filing a notice of appeal with the Town Clerk within 10 calendar days of the serving or mailing of notice of the tax administrator’s decision and tendering a deposit for the cost of the appeal in an amount established by the Town Council. The Town Clerk shall fix a time and place for hearing such appeal, and the Town Clerk shall give notice in writing to such operator at the last known place of business or to such guest at the guest’s address as set forth in the appeal. At the hearing, the appellant shall have the right to testify, to be represented by counsel, to present witnesses on the appellant's behalf, to cross-examine all other witnesses and to present oral and written documents and evidence on the issues. The findings of the Town Council are final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any fine or penalty found to be due is immediately due and payable upon the service of notice.

D. Costs of enforcement. All money and assets collected in payment of penalties for violations of this chapter and all money and assets collected for recovery of costs of enforcement of this chapter shall be used to offset the cost of enforcement of this chapter.

E. No duty to enforce. Nothing in this chapter shall be construed as imposing on the Town of Truckee or any employee thereof any duty to issue a warning notice, administrative or judicial citation, or notice to abate, nor to abate any violations of this chapter, and neither the Town nor any employee thereof shall be held liable for failure to issue an order to abate any violation of this chapter.

5.02.070 Changes in ownership

Short-term vacation rental permits do not provide a vested interest in or entitlement to the continued operation of a short-term rental upon a change of property ownership. The new owner of a property for which a short-term rental permit has been issued shall notify the Town upon a change of ownership of the short-term rental. Short-term rental permits shall not run with the land, and shall expire upon any partial or complete transfer of ownership of a short-term rental, whether or not notice of the change in ownership has been provided to the Town.

5.02.080 Severability

The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, phrase, sentence, paragraph, subdivision, section or portion of this chapter, or the
invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances.
CHAPTER 9.20  GENERAL NOISE REGULATIONS

9.20.010  Purpose

The making, allowing, creation or maintenance of loud and unreasonable, unnecessary, or unusual noises which are prolonged, unusual, annoying, disturbing and/or unreasonable in their time, place and use are a detriment to public health, comfort, convenience, safety, general welfare and the peace and quiet of the Town of Truckee and its residents and visitors. The Town Council declares the necessity in the public interest of adopting the requirements of this chapter, further declares that the provisions of this chapter are adopted for the purpose of securing and promoting the public health, comfort, convenience, safety, general welfare and property and the peace and quiet of the Town and its residents and visitors.

9.20.020  Loud and unreasonable noise prohibited

A. It is unlawful for any person to make, continue, or cause to be made or continued any noise disturbance. The factors which should be considered in determining whether a violation of this section exists, include the following:

1. The sound level of the objectionable noise.
2. The sound level of the ambient noise.
3. The proximity of the noise to dwelling units, hospital, hotels and the like.
4. The zoning of the area.
5. The population density of the area.
6. The time of day or night, provided that noises occurring between the hours of 10:00 pm and 7:00 am may constitute a noise disturbance even if the same noises occurring at other times of day would not constitute a noise disturbance.
7. The duration of the noise.
8. Whether the noise is recurrent, intermittent, or constant.
9. Whether the noise is produced by a commercial or noncommercial activity.
10. Whether the nature of the noise is usual or unusual.
11. Whether the noise is natural or unnatural.

B. It is unlawful for any person to make, continue, or cause to be made or continued any noise disturbance, or any noise plainly audible through partitions common to two dwelling units within a building.

9.20.030  Exemptions

The following activities shall be exempt from the provisions of this chapter:
A. Emergency work. The provisions of this title shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or in the performance of emergency work.

B. School events. Sanctioned school activities conducted on public or private school grounds including but not limited to school athletic and entertainment events are exempted from the provisions of this chapter conducted between the hours of 7:00 a.m. and 11:00 p.m.

C. Federal or State preempted activities. The provisions of this chapter shall not apply to any other activity the noise level of which is regulated by state or federal law which preempts local regulations.

D. Minor maintenance to residential property. The provisions of this chapter shall not apply to noise sources associated with minor maintenance to property used for residential purposes, provided the activities take place between the hours of 7:00 a.m. and 10:00 p.m.

E. Right-of-way construction. The provisions of this chapter shall not apply to any work performed in the Town rights-of-way by the Town or pursuant to an encroachment permit issued by the Town.

F. Public health, welfare and safety activities. The provisions of this chapter shall not apply to construction, maintenance, and repair operations conducted by public agencies and/or utility companies or their contractors which are deemed necessary to serve the best interests of the public and to protect the public health, welfare and safety, including but not limited to, snow removal, trash collection, street sweeping, debris and limb removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of damaged poles, removal of abandoned vehicles, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, sidewalks, etc.

G. Construction. Noise sources associated with construction, repair, remodeling, or grading of any real property; provided a permit has been obtained from the Town as required; and provided said activities do not take place between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, between the hours of 5:00 p.m. and 8:00 a.m. on Saturdays, or at any time on Sunday or a federal holiday.

H. Warning devices. Warning devices necessary for the protection of public safety, as for example fire, police, and ambulance sirens, including the testing of such devices, are exempted from the provisions of this chapter.