

(f) *Requirements and Standards Applicable to All Transient Rentals.* The following requirements shall apply to all properties used for transient rental:

(1) Registration, Inspection and Licensing Requirements.

a. Any managing agency, agent, owner or property manager who rents one (1) or more transient private home rental units shall be **required to obtain a City business license**. Failure to obtain a business license or continuing to operate a transient rental after revocation of a business license constitutes an infraction pursuant to Section 1-2.01(b) of the Municipal Code, and may result in imposition of a fine upon conviction among other penalties.

All transient rentals shall be subject to collection of transient occupancy tax as required by the Municipal Code, and each managing agency, agent, owner and property manager of a transient rental shall collect and make payment to the City of the transient occupancy tax for their transient rental.

(2) Sign Requirements.

a. Sign Requirements. Each transient rental unit shall have posted in a location that is clearly visible from the outside of the property one (1) sign with the contents set forth below. The sign shall either be purchased at a reasonable cost through the City of Avalon Planning Department or consistent with a template provided by the City. The sign shall be made of material which affixes to a window, not to exceed two (2) square feet in size, have lettering of sufficient size to be easily read from a place accessible to the public, and shall clearly contain the following information:

(i) Street address of the transient rental unit.

(ii) Allowed maximum occupancy for the transient rental unit.

(iii) Name of the managing agency, agent, property manager, or owner of the unit, and a local telephone number at which that party or his agent may be reached on a 24-hour basis.

(3) Advertising Requirements. Any sign advertising the available use of a transient rental unit must meet all of the advertising and sign requirements found in the Avalon Municipal Code.

(4) Notice and Rental Agreement Requirements. Each transient rental unit shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:

- a. The name of the managing agency, agent, property manager, or owner of the unit, and a local telephone number at which that party or his agent may be reached on a 24-hour basis;
- b. The maximum number of occupants permitted to stay in the unit;
- c. Notification that trash and refuse shall not be left or stored on the property, the scheduled dates and times for pick-up at the location, and an explanation of the City's recycling program;
- d. Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this section;
- e. When the City has enacted water conservancy measures by ordinance, notice of the requirements of such ordinance and a request that occupants conserve water as much as possible in the use of showers, baths, faucets and laundry.
- f. Notification that use of unenclosed decks and patios between 10:00 p.m. and 8:00 a.m. is prohibited where such use generates noise which would disturb or annoy a reasonable person occupying the adjacent properties.
- g. A statement that Avalon has a "zero tolerance" policy towards nuisances, rowdy and disruptive behavior and advising that the occupancy will be immediately terminated for violations of this policy.

The foregoing information shall be stated in the rental information and agreement provided to prospective renters prior to their occupancy of the unit.

(5) Vehicles. Off-street parking shall be provided on or off site such that all vehicles bearing permits issued for the unit can be parked off street, except when used pursuant to a temporary permit issued to the owner as provided in Title 4. The owner, agent and managing agency shall comply with the Avalon vehicle ordinance which (1) permits transient renters to only use the vehicle which is permitted for the location; and (2) prohibits the owner, agent or managing agency from charging for the use of the vehicle, except:

- a. Properties located in the "flats" (as defined in Section 9-5.406) and properties located in the condominium known as "Bahia Vista,"

"Canyon Terrace," and "Sol Vista" shall not include a vehicle to be used by transient guests.

(6) Trash. The owner or managing agent shall provide written information to each transient occupant setting out the schedule for trash pick-up at the location and an explanation of the City's recycling program and ensure that there are adequate materials for disposing of trash in accordance with the City's program. All trash containers shall be secured against animal incursion.

(7) Maximum Occupancy. The maximum occupancy for transient rentals shall be two (2) persons (including children and infants) per bedroom, plus two (2); provided the Planning Commission in its discretion may establish a different maximum number where appropriate and reasonable to permit fewer persons than the foregoing formula might otherwise allow and may also increase the number that would otherwise be allowed under the foregoing formula where facts are presented demonstrating that the configuration of the property warrants it. Reasons for establishing a different maximum occupancy number include but are not limited to:

- a. Size and location of the property.
- b. Distinction between single- and multi-unit properties.
- c. Number and size of each sleeping room in the transient rental unit.

(8) Unenclosed areas. The use of unenclosed areas, such as decks and balconies, attached to each transient rental unit shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m. Monday through Sunday.

(9) Code Compliance, Fire Safety and Inspection. Each dwelling unit used for transient rental within the City is subject to all of the following inspection requirements:

- a. The owner shall be responsible for compliance with all codes regarding Fire, Building and Safety, Health and Safety and other relevant laws and the requirements of paragraph (9) h. of this section.

- b. Any transient rental unit which was permitted or legally nonconforming and in existence prior to the effective date of this subsection shall be made available for inspection within thirty (30) days after the effective date of this subsection. The City shall endeavor to inspect all such units within one hundred eighty (180) days of the effective date of this subsection. The Planning Department shall coordinate with the property owner and the inspectors to arrange for reasonable notice and the date of inspection. Within fifteen (15) days following inspection, the inspectors

shall submit an original, signed inspection report to the Planning Department, or, where applicable, provide notice that the property owner has unreasonably prevented inspection. Failure to cooperate with the scheduling of the inspection shall subject the approval to use the unit as a transient private home rental to revocation. Any new transient rental unit established after the effective date of this subsection shall be inspected prior to commencement of the use, which inspection shall be scheduled and conducted within thirty (30) days of approval. In addition to the registration for each unit as required in Section 9-8.404(f)(1) above, an original, signed inspection report for each unit shall be submitted to the Business License Representative in order to obtain approval to use the unit as a transient rental.

c. Inspections shall be conducted by a qualified inspector(s) authorized and approved by the City to conduct such inspections. Inspectors shall demonstrate appropriate qualifications to conduct the required inspections as determined by the Building Official or the Fire Department, as applicable. The cost of such inspections, plus any administrative charges shall be paid by the owner pursuant to the City's adopted fee schedule. The City shall make every reasonable effort to ensure that inspections are completed in a timely manner.

d. After the initial inspection, each rental unit shall be reinspected no less than once every three (3) years following the original inspection. Verification of inspection will be done at the time of business license renewal. Failure to submit inspection reports shall result in revocation of approval to use the unit for transient rentals.

e. Inspections shall verify compliance with all applicable provisions of this section.

f. If upon completing an inspection of a transient rental, the inspector(s) determines that the unit is not in conformance with this section, the inspector shall provide the managing agency, agent, owner or property manager with a list of required corrections, set a reasonable time for correction and a date for reinspection. A copy of the foregoing shall also be given to the Planning Department. If the unit is registered with the City as a transient rental, approval by the City to use the unit for transient rental shall be suspended until correction and reinspection if determined by the inspector to present an immediate health and safety hazard, and submission of a new inspection report for the unit indicating compliance with this section. If the unit is not yet registered with or approved by the City, approval for its use as a transient rental shall be withheld until submission of a new inspection report for the unit indicating compliance with this section.

g. Noncompliance by an owner, managing agency, property manager or agent of the requirements for registration, inspection and operation of transient private home rentals may result in the revocation of the business license and conditional use permit authorizing the use, and upon revocation, no new business license or conditional use permit may be issued to the same transient rental licensee for a period of twelve (12) months following such revocation.

h. The following requirements for transient rentals will be evaluated upon inspection of each unit, and shall constitute minimum requirements. The unit must be brought into conformance with these requirements and any other applicable codes and ordinances in order for the use to be allowed.

1. Required sign and notice must be posted, and address of unit must be legible from outside the property unless exempted.

2. Smoke detectors shall be installed within each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping room. Battery-operated smoke detectors are acceptable, provided that they are maintained in good working order at all times, or except as required by other applicable codes. Where fire suppression systems have been installed, such systems shall also be subject to the inspection and testing requirements set forth in Title 4, Chapter 3.

3. The transient private home rental shall be equipped with a minimum of one (1) 2A.10B:C type extinguisher with seventy-five (75') feet of travel distance to all portions of the structure; there shall be no less than one (1) such extinguisher per floor. Fire extinguishers shall be mounted in visible locations with the tops of the extinguishers mounted between three (3') feet and five (5') feet above the floor and shall be accessible to occupants at all times. California State Fire Marshal annual certification tags must be provided and be current on all extinguishers.

4. Any locking mechanism on outside doors must be operable from inside the unit without the use of a key. If the dwelling unit is greater than three thousand (3,000) square feet in area, two (2) exit doors shall be required, each of which shall conform to this requirement.

5. Transient rentals shall be maintained in a clean and sanitary condition and free from hazards, which shall include meeting the following requirements:

- i. There shall be no exposed wiring, improper wiring materials, or overloaded electrical circuits;
- ii. There shall be no permanent use of extension cords for appliances, heaters, lamps or other fixtures;
- iii. There shall be no leaking fixtures, clogged or leaking wastewater lines;
- iv. Faucets and fixtures shall be maintained in working conditions;
- v. Showers, sinks and bathing facilities shall be clean and properly maintained;
- vi. There shall be no evidence of pest infestations;
- vii. If directed by the Fire Department, bedroom windows shall be operable to allow for emergency egress;
- viii. There shall be at least one (1) window per bedroom, to allow for proper interior ventilation;
- ix. There shall be no accumulation of trash and/or debris on the site or within the unit;
- x. All steps, stairways, decks and railings shall be stable and structurally sound;
- xi. All standard appliances, including but not limited to kitchen appliances, furnaces and water heaters, shall be operational;
- xii. Any hot tubs, pools and spas shall be fenced or equipped with an approved cover with locking mechanisms as required by State law, and shall be maintained in a safe and sanitary condition;
- xiii. Any lofts or attic conversions shall be provided with acceptable exiting and head clearance; stairs or providing access to these areas shall be safe and structurally sound;
- xiv. Exits shall remain clear of storage, debris or impedance at all times.

i. Owner and Management Requirement.

1. The managing agency, agent, property manager, or owner of the unit whose name and local telephone number appears on the sign pursuant to Section 9-8.404(f)(2) must maintain a physical presence within the geographical limits of the City of Avalon during the term of the transient rental unit lease in order to provide prompt response to complaints.

(Ord. 672, as amended by §7, Ord. 741, eff. July 7, 1983; §4, Ord. 774, eff. December 17, 1984; §3, Ord. 1003-01, eff. December 20, 2001; §§1-4, Ord. 1038-06, eff. March 23, 2006; §1, Ord. 1097-10, eff. July 1, 2010)