

ORDINANCE NO. 99-300

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, REPEALING ORDINANCE NO. 90-187 AND AMENDING THE DEVELOPMENT CODE TO REVISE SECTION 86.0201 (a) (6) AND TO ADD SECTION 86.0215 (a), ESTABLISHING PROVISIONS FOR THE APPROVAL, INSPECTION, AND CONDITIONS OF OPERATION FOR TRANSIENT PRIVATE HOME RENTALS

WHEREAS, the City has determined that the rental of private homes on a short-term basis to visitors provides a community benefit by expanding the number and type of lodging facilities available and assists owners of vacation homes by providing revenue which may be used for maintenance and upgrades to these units; and

WHEREAS, the rental of private homes by the owners thereof or by an authorized representative for temporary occupancy has also been identified as a community concern, due to the potential for increased traffic, noise, and density in single family residential neighborhoods if these uses are not properly regulated; and

WHEREAS, the number of occupants under such temporary rentals has the potential to exceed standards for the design capacity of such structures and to cause health and safety problems, and as such may constitute a danger to life and adjacent property; and

WHEREAS, the rental and advertising of private homes on a regular basis if left unregulated would not be consistent with the character of residential neighborhoods; and

WHEREAS, minimum health and safety standards are necessary to protect the occupants of transient private home rentals; and

WHEREAS, on April 11, 1990, the City Council adopted Ordinance 90-187 to regulate the establishment and operation of transient home rentals; and

WHEREAS, evidence has been presented to the City Council which indicates that further regulation of these uses is necessary to protect the character of adjacent residential neighborhoods from the impacts of transient private home rental uses, and to protect visitors from units which are not properly maintained; and

WHEREAS, input has been received from concerned citizens as well as property managers in order to reach consensus on appropriate regulations for these uses.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE DOES ORDAIN AS FOLLOWS:

Section 1. Section 86.0201 (a) (6) of the Development Code is hereby amended to read as follows:

Section 86.0201 SINGLE-FAMILY RESIDENCE (R-I) DISTRICT

- (a) (6) Transient private home rentals shall be permitted, provided that all of the approvals, standards and conditions contained in this section are fulfilled.

(A) Definitions:

Transient private home rental: a dwelling unit, including either a single family detached or multiple family attached unit, rented for the purpose of overnight lodging for a period of not less than one (1) night and not more than thirty (30) days (other than ongoing month-to-month tenancy granted to the same renter for the same unit);

Managing agency or agent: a person, firm or agency representing the owner of the transient private home rental, or a person, firm or agency owning more than one transient private home rental.

(B) Registration, Inspection and Licensing Requirements

- (I) Any managing agency, agent, owner or property manager who rents one or more transient private home rental units shall be required to obtain a City business license. Failure to obtain a business license or operating a transient private home rental business after revocation of a business license constitutes an infraction pursuant to Section 5.02.410 of the Municipal Code, and may result in imposition of a fine upon conviction among other penalties.
- (II) All transient private home 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 private home rental shall collect and make payment to the City of the transient occupancy tax for their transient private home rental.
- (III) The managing agency, agent, owner and property manager of each unit to be used as a transient private home rental shall register each transient private home rental unit with the City of Big Bear Lake prior to commencing the use. A fee, established in the City's fee resolution, may be collected by the City to cover the reasonable cost of processing the registration. Transient private home rentals which have been previously approved and which are in operation on the effective date of this ordinance shall also be subject to the requirements of this ordinance; these units must be registered with the City no later than ninety (90) days after the effective date of this ordinance, or the business license issued to the agency, agent, owner or property manager of the unit may be revoked.
- (IV) Each dwelling unit used as a transient private home rental unit within the City is subject to the following inspection requirements:

1. Any transient private home rental units which are in existence on the effective date of this ordinance shall be inspected within 180 days after the effective date of this ordinance. An original-signed inspection report shall be submitted to the Business License Representative no later than this date, or the approval to use the unit as a transient private home rental shall be revoked.
2. Any new transient private home rental unit which is established after the effective date of this ordinance shall be inspected prior to commencement of the use. In addition to the registration for each unit as required in Section 86.0201 (a) (6) (B) (III) 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 private home rental.
3. Inspections shall be conducted by a qualified inspector authorized and approved by the City to conduct such inspections. Inspectors shall demonstrate appropriate qualifications to conduct the required inspections as determined by the Chief Building Official. The City shall contract directly with an inspector to conduct an inspection, upon receiving a registration for a new transient private home rental, or upon receiving a request for subsequent inspection of a previously-registered unit. The actual 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.
4. After the initial inspection of a transient private home rental, said rental unit shall be reinspected no less than once within each year following the original registration date. Verification of annual inspection will be done at the time of business license renewal. Failure to submit annual inspection reports shall result in revocation of approval to use the unit as a transient private home rental.
5. Inspections shall verify compliance with all applicable provisions of this Section.
6. If, upon completing an inspection of a transient private home rental unit, the inspector 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, and shall provide the City with a copy of the inspection report. If the unit is registered with the City as a transient private home rental, approval by the City to use the unit for this purpose shall be suspended until 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 private home rental shall be withheld until receipt of an inspection report indicating compliance with this Section and the use of the unit as a transient private home rental shall cease.

- (V) Non-compliance 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 authorizing the use, and no new business license may be issued to the same vacation rental or transient private home rental business licensee for a period of twelve (12) months following such revocation.

(C) Sign and Notification Requirements

- (I) Each transient private home rental shall be equipped with no more than one (1) identification sign, not to exceed two (2) square feet in area. No other advertising signs promoting or identifying transient private home rentals shall be permitted anywhere in residential zoned districts. The required identification sign shall be attached to the transient private home rental in a location, which is clearly visible from the street, and shall clearly state the following information in lettering of sufficient size to be easily read:
 - 1. The name of the managing agency, agent, property manager, or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis;
 - 2. The maximum number of occupants permitted to stay in the unit;
 - 3. The maximum number of vehicles allowed to be parked on the property; and
 - 4. The telephone number of the City's Code Compliance Division.
- (II) Each transient private home 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:
 - 1. The name of the managing agency, agent, property manager, or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis;
 - 2. The maximum number of occupants permitted to stay in the unit;
 - 3. The maximum number of vehicles allowed to be parked on the property; and

4. Notification that trash and refuse shall not be left or stored on the property but may be deposited at the City's Clean Bear sites, along with the locations of these sites;
 5. The 24-hour telephone number of the party managing the property; and
 6. Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this ordinance.
- (III) Information on the permitted occupancy and parking capacity for each unit and trash disposal requirements shall be stated in the rental information and agreement provided to prospective renters, prior to their occupancy of the unit.
- (D) Standards and Conditions of Operation
- (I) The managing agency, owner, agent and property manager shall be responsible for compliance with all applicable codes regarding Fire, Building and Safety, Health and Safety and other relevant laws.
 - (II) The owner, managing agency, property manager or agent shall be personally available by telephone on a 24-hour basis to respond to calls regarding the condition and/or operation of the unit. Failure to respond to calls in a timely and appropriate manner may result in revocation of the business license authorizing the use. For purposes of this section, responding in a timely and appropriate manner shall mean that a response to an initial call shall be made within two (2) hours of the time the call was made, and within twenty-four (24) hours of the initial call, corrective action shall be commenced to address any violation of this ordinance.
 - (III) The maximum occupancy of a transient private home rental shall be one (1) person per 200 hundred (200) square feet of building area, excluding garages or other accessory buildings; provided, however, that in no case may the occupancy of a transient private home rental unit exceed sixteen (16) people.
 - (IV) The following requirements for transient private home 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 the street.
 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, except as required by other applicable codes.

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 such extinguisher per floor. Fire extinguisher(s) shall be mounted in visible locations with the tops of the fire 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. No tree limbs are allowed within ten (10) feet of chimney stack openings.
5. Spark arresters of a minimum opening size of three-eighths (3/8) inch and maximum opening size of one-half (1/2) inch shall be required on all fireplace flue openings.
6. If there is a fireplace or solid fuel barbeque, the transient private home rental shall be equipped with a minimum five (5) gallon metal container with a tight fitting lid for ash disposal, which is clearly labeled. Instructions on storage or placement of ashes shall be stated in the rental agreement and on the notice posted within each unit (i.e., do not place can on or near any furniture or other combustible material; ashes must be wet down thoroughly with water; ash can must be stored outside with a minimum of three (3) feet clearance from building, porch, trees, etc.; lid must remain on ash can when in use).
7. Furniture and other combustible material shall be kept a minimum of fifty-four (54) inches from fireplace openings and a minimum of thirty (30) inches from the front of wall or floor heaters, or as required by the manufacturer.
8. Flammable liquid storage is prohibited except in garages where up to five (5) gallons of fuel may be stored in approved containers for maintenance purposes. This requirement excludes fuel tanks in automobiles.
9. The roof and grounds of the transient private home rental shall be kept clear of accumulations of pine needles, weeds, or other combustible materials.

10. 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 (3000) square feet in area, two exit doors shall be required, each of which shall conform to this requirement.
11. Transient private home rentals shall be maintained in a clean and sanitary condition and free from hazards, which shall include meeting the following requirements:
 - a. There shall be no exposed wiring or overloaded electrical circuits;
 - b. There shall be no permanent use of extension cords for appliances, heaters, lamps or other fixtures;
 - c. There shall be no leaking fixtures, or clogged or leaking wastewater lines;
 - d. Faucets and fixtures shall be maintained in working condition;
 - e. Showers, sinks and bathing facilities shall be clean and shall drain properly;
 - f. There shall be no evidence of pest infestations;
 - g. Bedroom windows shall be operable to allow for emergency egress;
 - h. There shall be at least one screened window per room, to allow for proper interior ventilation;
 - i. There shall be no accumulation of trash and/or debris on the site or within the unit;
 - j. Trash shall be removed from the premises after each occupancy; there shall be no trash storage on site;
 - k. All steps, stairways, decks and railings shall be stable and structurally sound;
 - l. Fireplaces shall be equipped with screens which are adequate to prevent sparks or rolling logs from escaping the fireplace opening;
 - m. All appliances, including but not limited to kitchen appliances, furnaces and water heaters, shall be operational;
 - n. Any hot tubs, pools and spas shall be fenced or equipped with an approved cover with approved locking mechanisms as required by state law, and shall be maintained in a safe and sanitary condition;
 - o. Any lofts or attic conversions shall be provided with acceptable exiting and head clearance; stairs providing access to these areas shall be safe and structurally sound, and no ladders shall be allowed;

- p. Emergency exit routes shall be illuminated with a battery-operated emergency light, so as to provide for safe exiting in the event of electrical failure;
 - q. Exits shall remain clear of storage, debris or impedance at all times;
 - r. The main entrance to the unit shall be illuminated when the unit is occupied, provided, however, that any exterior lighting shall be designed and located so as not to produce excessive light or glare which may create a nuisance to adjacent properties.
12. Parking shall be provided on-site to meet the occupancy of each transient private home rental at a ratio of not less than one (1) parking space per bedroom. Parking spaces may include garage, carport and driveway spaces, and may allow for tandem parking. For units which do not have paved driveways or covered parking spaces, the portion of the lot to be used for parking should be clearly delineated by signs or other means to prevent parking on-street or within yard areas. **No overnight on-street parking shall be permitted.**
13. Snow removal from driveways and off-street parking areas is required to be performed prior to each occupancy period.

Section II. Section 86.0215 (a) of the Development Code is hereby amended to add subsection (5) as indicated below.

Section 86.0215 MULTIPLE-FAMILY RESIDENCE (R-3) DISTRICT

- (a) (5) Transient private home rentals, subject to the requirements for such uses as contained in Section 86.0201 (a) (6).

Section III. Ordinance No. 90-187, and all amendments thereto, is hereby repealed.

PASSED, APPROVED AND ADOPTED this 9th day of August, 1999.

AYES: Cortez, Mellen, Mulvihill, Schoettger, Tincher
NOES: None
ABSENT: None

August 9, 1999
Date

John M. Tincher, Mayor

ATTEST:

REVIEWED AND APPROVED:

Katherine E. Jefferies
City Clerk

Best Best & Krieger LLP
City Attorney