

AN ORDINANCE IMPOSING A MORATORIUM ON THE USE OF RESIDENTIAL PROPERTY FOR SHORT-TERM RENTAL AND DECLARING AN EMERGENCY.

WHEREAS, over the last several years, the City of Avon Lake (“City”) has witnessed an increase in the number of residential properties being used as short-term rental properties (“STRPs”) to house transient guests for periods of fewer than thirty (30) days; and

WHEREAS, the City has previously authorized the use of certain residential properties as bed-and-breakfast establishments, subject to certain restrictions and requirements, including location, lot size, activities, capacity, and parking; and

WHEREAS, the City finds that the use of residential properties as STRPs is akin to the use of residential properties as bed-and-breakfast establishments but are not currently regulated or specifically permitted;

WHEREAS, the City is concerned about the number of STRPs within the City and the effects such use has on the City as a whole; the availability of housing stock for long-term residents; the burden on the properties adjoining STRPs; the increase of noise, traffic, and disturbances of the peace; lack of owner supervision; and the ability of the City to exercise appropriate oversight to promote the health, safety, and welfare of the residents of the City, as well as persons who use such properties; and

WHEREAS, the City is in the process of adopting comprehensive legislation to regulate the use of residential properties as STRPs to further the City’s interest in the health, safety, and general welfare of the City and its constituents; and

WHEREAS, pursuant to the Ohio Constitution and the Charter of the City of Avon Lake, the City has powers of local self-governance to enact ordinances governing the operation and placement of business and the zoning and use of property within its borders as may be found necessary or desirable to promote the public health, safety, morals, convenience, and the general welfare of the community; and

WHEREAS, until such time as the City has adopted legislation to regulate the use of residential properties as STRPs, Council has determined that a moratorium for up to ninety (90) days or upon the adoption of the Short-Term Rental Properties Ordinance should be imposed upon the new use of any residential property as a STRP on and after the date of this ordinance; and

WHEREAS, the moratorium imposed herein is not intended to be and shall not operate as a moratorium on any properties being operated as STRPs prior to the effective date of this ordinance, provided that the use of such properties as STRPs

must be demonstrated to the satisfaction of Council and such operation is in full compliance with all other ordinances currently in effect in the City; and

WHEREAS, as set forth in Section 10 of the Avon Lake City Charter, this Council, by a vote of at least two-thirds of its members, determines that this Ordinance is an emergency measure and that it shall take effect immediately and that it is necessary for the immediate preservation of the public health, safety, morals, convenience, and the general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF  
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Council hereby imposes a moratorium for up to ninety (90) days from the effective date of this Ordinance or upon the adoption of the Short-Term Rental Properties Ordinance whichever shall first occur upon the new use of residential property as short-term rental property, and no person may offer, list, advertise, or otherwise promote the use of any residential property as a short-term rental property when such use did not exist prior to the date of this Ordinance.

Section No. 2: That properties being used as short-term rental properties prior to the date of this Ordinance are not affected by and may continue to operate as short-term rental properties, provided that the owner of such property can demonstrate the use of that property as a short-term rental property prior to the date of this Ordinance and such use is otherwise in full compliance with all applicable City Ordinances and generally applicable health, building, and safety codes.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the immediate preservation of the public health, safety, morals, convenience, and the general welfare of the community. Therefore, this Ordinance shall be in full force and effect from and immediately after passage and approval by the Mayor.

1<sup>st</sup> reading: 6/23/2025

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

PASSED: 7/07/2025

*/s/ Jennifer J. Fenderbosch*  
Council President

POSTED: 7/18/2025

APPROVED: 7/08/2025

ATTEST: */s/ Valerie E. Rosmarin*  
Clerk of Council

*/s/ Mark A. Spatzel*  
Mayor