

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, CREATING CHAPTER 131 OF THE CODE OF ORDINANCES ENTITLED "VACATION RENTAL LICENSE PROGRAM" TO INCLUDE BUT NOT BE LIMITED TO PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR A VACATION RENTAL LICENSE; PROVIDING FOR A VACATION RENTAL REPRESENTATIVE; PROVIDING FOR SAFETY AND OPERATIONAL REQUIREMENTS; PROVIDING FOR PARKING STANDARDS; PROVIDING FOR SOLID WASTE HANDLING AND CONTAINMENT; PROVIDING FOR THE POSTING OF VACATION RENTAL INFORMATION; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 2011 Florida's legislature enacted House Bill 883 (Florida Chapter 2011-119, Laws of Florida)(hereafter "HB 883") which preempted the local regulation of specific land use commonly called short-term vacation rentals (transient rentals less than thirty (30) days in duration and commonly located in residential areas); and

WHEREAS, the 2014 Florida Legislature enacted Senate Bill 356 (Florida Chapter 2014-71, Laws of Florida)(hereafter "SB 356") which rescinded the previous preemption on local regulation of short-term vacation rentals, but provided that a local law, ordinance, or regulation adopted after June 1, 2011 may not prohibit short-term vacation rentals or regulate the duration or frequency of rental of vacation rentals; and

WHEREAS, SB 356 returned some local control back to communities to mitigate the effects of short-term vacation rentals in an attempt to make them safer, more compatible with existing neighborhoods, and accountable for their proper operation; and

WHEREAS, short-term vacation rental occupants, due to the transient nature of their occupancy, are unfamiliar with local evacuation plans, the location of fire extinguishers, residence's exit routes, pool and home safety features, and other similar safety measures that would readily be provided to guests in traditional lodging establishments; and

(Coding: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions).

WHEREAS, the presence of short-term vacation rentals within single-family dwelling units in established residential neighborhoods can also create negative compatibility impacts, among which include, but are not limited to, excessive noise, on-street parking, accumulation of trash, and diminished public safety; and

WHEREAS, many local jurisdictions in the State of Florida and across the nation have standards in place to minimize the negative impacts caused by short-term vacation rentals; and

WHEREAS, the majority of complaints the City has received to date have been from single- and two-family neighborhoods regarding short-term vacation rentals; and

WHEREAS, the City desires to encourage short-term vacation rentals that are safe, fit in with the character of the neighborhood, provide positive impacts on the community, increase property values, and achieve greater neighborhood compatibility; and

WHEREAS, the City seeks to balance respect for private property rights and incompatibility concerns between the investors/short-term vacation rentals and families/permanent single-family residences in established residential neighborhoods through the use of reasonable development and regulation standards; and

WHEREAS, these standards are deemed necessary by the City of Hollywood City Commission to preserve property values and to protect the health, safety, and general welfare of permanent residents, lot/parcel owners, investors, and transient occupants and visitors alike; and

WHEREAS, the application of these minimum standards to short-term vacation rental properties ensures that transient occupants are provided the same minimum protections as is required by the current statutes and codes for single- and two-family residences;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Chapter 131 of the Code of Ordinances entitled "Vacation Rental License Program" is hereby created as follows:

## **TITLE XI: BUSINESS REGULATIONS**

\* \* \*

### **CHAPTER 131. VACATION RENTAL LICENSE PROGRAM**

#### **GENERAL PROVISIONS**

### **§131.01 PURPOSE.**

The purpose of this chapter is to promote public health, safety, welfare and convenience through regulations and standards for short-term vacation rental properties by providing:

- (A) for a vacation rental license;
- (B) for safety and operational requirements;
- (C) for parking standards;
- (D) for solid waste handling and containment;
- (E) for licensure requiring posting of vacation rental information;
- (F) for administration, penalties and enforcement.

### **§131.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CITY.** The City of Hollywood, Florida, as geographically described in the City Charter.

**HABITABLE ROOM.** A room or enclosed floor space used or intended to be used for living or sleeping purposes, excluding kitchens, bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets and storage space.

**OCCUPANT.** Any person who occupies, either during the day or overnights, a Vacation Rental.

**TRANSIENT PUBLIC LODGING ESTABLISHMENT.** Any unit, group of units, dwelling, building or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

**VACATION RENTAL.** Any unit or group of units in a condominium or cooperative or any individually or collectively owned single family, two family, three family, or four family house or dwelling unit that is also a transient public lodging establishment and is located in an area zoned single family residential RS or RM, but that is not a timeshare.

**VACATION RENTAL REPRESENTATIVE.** A Vacation Rental property owner, or his/her authorized designee, as identified in the application for a City Vacation Rental license.

## **VACATION RENTAL LICENSE**

### **§ 131.010 LICENSE REQUIRED.**

After April February 1, 2016, an active Vacation Rental license shall be required to operate a Vacation Rental within the City. After April February 1, 2016, only Vacation Rentals holding an active Vacation Rental license issued by the City of Hollywood may operate within the City. Prior to the issuance of a Vacation Rental license, the City shall ensure that the building in which the Vacation Rental is, or will be, located is in full compliance with the appropriate portions of the Florida Building Code and the Florida Fire Prevention Codes, as determined by the building official. A separate Vacation Rental license shall be required for each Vacation Rental.

### **§ 131.011 APPLICATION FOR VACATION RENTAL LICENSE.**

(A) A property owner seeking initial issuance of a Vacation Rental license, or the renewal, or modification of a Vacation Rental license, shall submit to the City a completed Vacation Rental license application in a form promulgated by the City, together with an application fee in an amount set by resolution of the City Commission.

(B) A complete application for the initial issuance, or renewal, or modification, of a Vacation Rental license shall demonstrate compliance with the standards and requirements set forth in this chapter through the following submittals:

(1) A completed Vacation Rental license application form, which must identify; the property owner, address of the Vacation Rental, Vacation Rental Representative, and as well as the phone number of the Vacation Rental Representative.

(2) Payment of applicable fees.

(3) A copy of the Vacation Rental's current and active license as a Transient Public Lodging Establishment with the Florida Department of Business and Professional Regulation.

(4) A copy of the Vacation Rental's current and active certificate of registration with the Florida Department of Revenue for the purposes of collecting and remitting sales surtaxes, transient rental taxes, and any other taxes required by law to be remitted to the Florida Department of Revenue.

(5) Evidence of the Vacation Rental's current and active account with the Broward County Tax Collector for the purposes of collecting and remitting tourist development taxes and any other taxes required by law to be remitted to the Broward County Tax Collector.

(6) A copy of the current Local Business Tax Receipt.

(7) Interior building sketch by floor. A building sketch (may be hand drawn) by floor shall be provided, showing a floor layout and demonstrating compliance with the standards and requirements set forth in this chapter. The sketch provided shall be drawn to scale, and shall show and identify all bedrooms, other rooms, exits, hallways, stairways, smoke and carbon monoxide detectors, fire extinguishers and exit signage/lighting.

(8) A sketch showing the number and the location of all on-site parking spaces for the Vacation Rental.

(C) Incomplete applications will not be accepted, but will be returned with any fees submitted to the property owner with a notation of what items are missing.

(D) Vacation Rental license applications shall be sworn to under penalty of perjury. and Any false statements in an application shall be a basis for the revocation of any license issued pursuant to such application.

#### **§ 131.012 MODIFICATION OF VACATION RENTAL LICENSE.**

An application for modification of a Vacation Rental license shall be required in the event that any of the following changes to the Vacation Rental are proposed:

(A) An increase in the gross square footage.

(B) An increase in the number of bedrooms.

(C) An increase in the maximum occupancy.

(D) An increase in the number of parking spaces, or a change in the location of parking spaces.

(E) An increase in the number of bathrooms.

(F) Any other material modifications that would increase the intensity of use.

#### **§ 131.013 DURATION OF VACATION RENTAL LICENSE.**

The Vacation Rental license shall expire each September 30, and may be annually renewed thereafter if the property is in compliance with this Chapter.

#### **§ 131.014 RENEWAL OF VACATION RENTAL LICENSE.**

A property owner must apply annually for a renewal of the Vacation Rental license no later than 60 days prior to the expiration date of the previous Vacation Rental license.

#### **§ 131.015 COMPLIANCE INSPECTIONS OF VACATION RENTALS.**

(A) — Inspection of a Vacation Rental to verify compliance with this chapter, the Florida Building Code, and the Florida Fire Prevention Codes, shall be required prior to issuance of an initial Vacation Rental license. If instances of noncompliance with the standards and requirements set forth in this chapter are found, all such instances of noncompliance shall be corrected and the Vacation Rental shall be re-inspected prior to the issuance of an initial Vacation Rental license.

(B) — Once a Vacation Rental license is issued for a Vacation Rental, such Vacation Rental shall be properly maintained in accordance with the standards and requirements set forth in this chapter.. All violations of this chapter or the Code of Ordinances identified in such inspection shall be corrected and re-inspected within 30 calendar days after the issuance of a notice of violation, with the exception of life safety violations, which must be corrected within the earlier of 3 working days or the start of the next rental period. Failure to correct such violations within the timeframes provided shall result in the suspension of the Vacation Rental license until such time that the violations are corrected, re-inspected, and found in compliance.

(C) — The City may inspect a Vacation Rental at any time upon reasonable notice to the Vacation Rental Representative. Inspections shall be made by appointment with the Vacation Rental Representative. If a City inspector has made an appointment with a Vacation Rental Representative for an inspection, and the City inspector is unable to complete the inspection as a result of any action or inaction of the Vacation Rental Representative or Occupant, the property owner shall be charged a "re-inspection" fee in an amount set by resolution of the City Commission to cover the inspection expense incurred. The re-inspection fee shall be paid prior to scheduling the re-inspection.

(D) — If, after two attempts, a City inspector is unable to complete an inspection of a Vacation Rental as a result of an action or inaction of the Vacation Rental Representative, or an Occupant of the Vacation Rental, the City inspector shall provide notice of failure of inspection to the Vacation Rental Representative at the address shown on the Vacation Rental license or application for Vacation Rental license. With respect to an application for a Vacation Rental license, such notice of failure of inspection shall constitute a basis for the denial of the Vacation Rental license. With respect to an active Vacation Rental license, such notice of failure of inspection shall result in the suspension of the Vacation Rental license until such time that the Vacation Rental is inspected and found in compliance.

**§ 131.04615 LICENSES NON-TRANSFERABLE, NON-ASSIGNABLE.**

Vacation Rental licenses are non-transferable and non-assignable. If the ownership of any Vacation Rental is sold or otherwise transferred, any outstanding Vacation Rental license as to that Vacation Rental shall be null and void upon the sale or transfer.

**VACATION RENTAL REPRESENTATIVE**

**§ 131.020 DUTIES OF VACATION RENTAL REPRESENTATIVE.**

Every Vacation Rental Representative shall:

(A) Be available by landline or mobile telephone answered by the Vacation Rental Representative at the listed phone number 24-hours a day, 7 days a week to handle any problems arising from the Vacation Rental; and

(B) Be willing and able to be physically present at the Vacation Rental within 60 minutes following notification from a Vacation Rental Occupant, law enforcement officer, emergency personnel, or the City for issues related to the Vacation Rental, and shall actually be physically present at that location in that time frame when requested; and

(C) Conduct an on-site inspection of the Vacation Rental at the end of each rental period to assure continued compliance with the requirements of this chapter.

**STANDARDS AND REQUIREMENTS FOR VACATION RENTALS**

**§ 131.030 GENERAL**

The standards and requirements set forth in this section shall apply to the rental, use, and occupancy of Vacation Rentals in the City.

**§ 131.031 MINIMUM SAFETY AND OPERATIONAL REQUIREMENTS LOCAL PHONE SERVICE REQUIRED.**

Vacation Rentals in the City shall meet the following minimum safety and operational requirements, and the applicable standards under the Florida Statutes, Florida Building Code and the Florida Fire Prevention Code, as determined by the building official. Whenever there is an inconsistency among the requirements of this section, the Florida Statutes, the Florida Building Code, or the Florida Fire Prevention Code, the most restrictive requirement shall apply.

(A) Swimming pool, spa and hot tub safety. A swimming pool, spa or hot tub offered or made available as an amenity at a Vacation Rental shall meet the applicable

requirements of the Florida Building Code for swimming pools, spas and hot tubs. The property owner shall cause the swimming pool drain system, any underwater lighting system, and the electrical pump system of such swimming pools, spas, and hot tubs to be inspected annually by an appropriately licensed technician. The Vacation Rental Representative shall maintain a contemporaneous log of such inspections, which shall be made available to the City for inspection upon request during normal business hours.

(B) Without limitation all, bedrooms, smoke and carbon monoxide (CO) detection and notification systems, fire extinguishers, fire sprinklers, fire alarms, emergency egress maintenance and lighting, and occupant loads shall comply with applicable requirements of the Florida Building Code, and the Florida Fire Prevention Code.

(C) Local phone service. At least one landline telephone with the ability to call 911 shall be available in the main level common area in the Vacation Rental.

### **§ 131.032 PARKING STANDARDS.**

Occupants and visitors to the Vacation Rental shall comply with all relevant parking codes as found in Chapter 72 of the Code of Ordinances.

### **§ 131.033 SOLID WASTE HANDLING AND CONTAINMENT.**

Requirements for garbage storage and collection shall be as follows:

(A) Trash storage containers shall be provided and shall be screened with a 6 foot fence or landscaping, with an opening for container removal.

(B) The Vacation Rental shall contract with the waste management provider for side door pick-up service.

(C) Properties with alley garbage collection are exempt from (A) and (B).

(D) Notice of the location of the trash storage containers and rules for collection shall be posted inside the Vacation Rental.

### **§ 131.034 MAXIMUM OCCUPANCY.**

Requirements for space shall be as follows:

(A) Each Vacation Rental shall have a minimum gross floor area of not less than 150 square feet for the first occupant and not less than 100 square feet for each additional occupant.

(B) Every room in a Vacation Rental occupied for sleeping purposes shall:



(1) Have a gross floor area of not less than 70 square feet; and when occupied by more than one occupant, it shall have a gross floor area of not less than 50 square feet for each occupant. The maximum number of occupants for each room used for sleeping purposes shall be four.

(2) Have a minimum width of 8 feet.

(C) Gross area shall be calculated on the basis of total habitable room area, and those exclusions appearing in the definition of "habitable room" shall not be considered in calculation of such floor areas.

(D) Every habitable room in a Vacation Rental shall have a ceiling height of not less than 7 feet for at least half the floor area of the room. Any portion of a habitable room having a ceiling height of 5 feet or less shall not be included in calculating the total floor area of such room.

### **§ 131.035 POSTING OF VACATION RENTAL INFORMATION.**

(A) In each Vacation Rental, located on the back or next to the main entrance door there shall be posted as a single page the following information:

(1) The name, address and phone number of the Vacation Rental Representative;

(2) The maximum occupancy of the Vacation Rental;

(3) A statement advising the Occupant that any sound which crosses a property line at a volume which is unreasonably loud is unlawful within the City; as per the City Noise Ordinance, Chapter 100.

(4) A sketch of the location of the off-street parking spaces;

(5) The days and times of trash pickup;

(6) The notice of sea turtle nesting season and sea turtle lighting regulations, if applicable;

(7) The location of the nearest hospital; and

(8) The local non-emergency police phone number.

(B) A copy of the building evacuation map – Minimum 8-1/2" by 11" shall be provided to the renter upon the start of each vacation rental.

### **ADMINISTRATION, PENALTIES, AND ENFORCEMENT**

### **§ 131.055 ADMINISTRATION OF VACATION RENTAL LICENSE PROGRAM.**

The ultimate responsibility for the administration of this chapter is vested in the City Manager, or his/her authorized designee, who is responsible for granting, denying, revoking, renewing, suspending and canceling Vacation Rental licenses for proposed and existing Vacation Rentals as set forth in this chapter. Additionally, the City Manager, or his/her authorized designee, is responsible for inspecting any proposed or existing Vacation Rental in order to ascertain compliance with this chapter, and all applicable building codes, fire codes, statutes, ordinances and regulations.

### **§ 131.056 APPEALS.**

Any decision of the City Manager, or his/her authorized designee, relating to the granting, denial, renewal, modification, or suspension of a Vacation Rental license under this chapter shall be rendered in writing, and reviewed by the City Commission if a notice by the applicant is filed with the City Clerk within 10 days after the action to be reviewed. The City Clerk shall place the matter on the agenda of an upcoming meeting of the City Commission, at which the matter will be reviewed. The decision of the City Commission shall be final. Such final decision may be reviewed as permitted under Florida law.

### **§ 131.057 NOTICE.**

Any notice required under this chapter shall be accomplished by sending a written notification by U.S. Mail, postage paid, to the mailing address of the Vacation Rental Representative set forth on documents filed with the City under this chapter, which shall be considered for all purposes as the correct address for service, or by personal service or delivery to the Vacation Rental Representative.

### **§ 135.058 PENALTIES AND ENFORCEMENT.**

(A) Any violation of this chapter may be punished by citation, as specifically described in Chapter 36 of the Code of Ordinances, including but not limited to the requirements of a reasonable warning prior to issuance of a citation; provided, however, such violation shall be subject to a fine in the amount of \$250.00, for the first offense, \$500.00 for the second and subsequent offenses, plus a suspension of the Vacation Rental license as provided hereinafter, for the third offense.

(B) *Other enforcement methods and penalties.* Notwithstanding anything otherwise provided herein, violations of this chapter shall also be subject to all the enforcement methods and penalties that may be imposed for the violation of ordinances of the City as provided in section 10.99 of the Code of Ordinances. Nothing contained herein shall prevent the City from seeking all other available remedies which may include, but not be limited to, injunctive relief, abatement of public nuisance, liens, fines, imprisonment, and other penalties as provided by law.

(C) Suspension of license.

(1) In addition to any fines and any other remedies described herein or provided for by law, the City Manager shall suspend a Vacation Rental license upon a third violation of this chapter in any continuous 12 month period. Such suspension of a Vacation Rental license shall be for a period of 1 year, and shall begin following notice, commencing either at the end of the current Vacation Rental lease period, or after 30 calendar days, whichever is less.

(2) For violations of ~~section 131.031, or violations of~~ the Florida Building Code, or Florida Fire Prevention Code, a Vacation Rental license shall be subject to temporary suspension starting immediately 3 working days after citation for such violation if it is not corrected, re-inspected, and found in compliance. ~~Such suspension shall remain in place until corrected, re-inspected, and found in compliance.~~

(D) Revocation of license.

(1) The City Manager may refuse to issue or renew a license or may revoke a Vacation Rental license issued under this chapter if the property owner has willfully withheld or falsified any information required for a Vacation Rental license.

(2) The City Manager shall revoke a Vacation Rental license issued under this chapter upon the fifth adjudication of either a noise violation where such noise emanated from the Vacation Rental or receipt of a parking violation where such parking violation occurred on the Vacation Rental property within any continuous 12 month period, or any combination thereof.

(3) The property owner shall not be entitled to any refund of the annual fee paid for a license for any portion of the unexpired term of a license, because of revocation or suspension of the Vacation Rental license.

(E) For all purposes under this chapter, service of notice on the Vacation Rental Representative shall be deemed service of notice on the property owner and Occupant.

(F) No Occupant shall occupy a Vacation Rental, and no advertisement for the Vacation Rental shall occur during any period of suspension of a Vacation Rental's Vacation Rental license.

**VESTING**

**§ 136.01 RENTAL AGREEMENT VESTING.**

It is recognized that there are likely existing rental/lease agreements for short-term Vacation Rentals as the time of passage of this ordinance which may not be in

compliance with the regulations herein. Rental agreements that were entered into prior to the date of adoption, shall be considered vested. No special vesting process or fee shall be required to obtain this vesting benefit.

\* \* \*

Section 2: That it is the intention of the City Commission and it is hereby ordained that the provisions of this ordinance shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of this Code may be renumbered to accomplish such intention.

Section 3: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised \_\_\_\_\_, 2015.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
PETER BOBER, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM & LEGALITY  
for the use and reliance of the  
City of Hollywood, Florida, only.

\_\_\_\_\_  
JEFFREY P. SHEFFEL, CITY ATTORNEY