

CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

Prior Ordinance History for Chapter 119, Massage Parlors: ('72 Code, §§ 21-70 - 21-73) (Ord. O-74-121, passed 11-6-74; Am. Ord. O-89-43, passed 7-19-89; Am. Ord. O-95-20, passed 4-5-95; Repealed by Ord. O-2015-10, passed 6-17-15; Distance separation requirements for massage establishments adopted by Ord. O-2015-11, passed 6-17-15, was moved to LDA under Section 3.23(F))

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§ 119.01 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 for:

- (A) A vacation rental license;
- (B) Safety and operational requirements;
- (C) Parking standards;
- (D) Solid waste handling and containment;
- (E) Licensure requiring posting of vacation rental information;
- (F) Administration, penalties and enforcement.

(Ord. O-2015-24, passed 10-21-15)

§ 119.02 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.

LIFE SAFETY VIOLATION. A violation of any code intended primarily to prevent the loss of life, injury and property damage.

OCCUPANT. Any person who occupies, either during the day or overnight, a vacation rental.

TRANSIENT PUBLIC LODGING ESTABLISHMENT. Any unit, group of units, dwelling, building or group of buildings within a single complex of buildings that is rented to guests more than three times in a calendar year for periods of less than 30 days or

one 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 RS or RM, but that is not a timeshare project.

VACATION RENTAL REPRESENTATIVE. A vacation rental property owner, or his or her authorized designee, as identified in the application for a city vacation rental license.

(Ord. O-2015-24, passed 10-21-15; Am. Ord. O-2017-12, passed 8-30-17; Am. Ord. O-2017-15, passed 9-20-17)

VACATION RENTAL LICENSE

§ 119.10 LICENSE REQUIRED.

(A) A property owner operating a vacation rental shall obtain a vacation rental license prior to advertising a property available for short term rental. This requirement includes properties on which the property owner maintains a permanent residence and offers any portion of the property for transient vacation rental. A separate vacation rental license shall be required for each vacation rental.

(B) The advertising or advertisement for the rental of a dwelling unit for periods of less than 30 days or one calendar month and more than three times a year is direct evidence of operating a property for rent as a vacation rental in violation of division (A) of this section.

(Ord. O-2015-24, passed 10-21-15; Am. Ord. O-2017-12, passed 8-30-17; Am. Ord. O-2017-15, passed 9-20-17)

§ 119.11 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 of a vacation rental license, or for its renewal or modification, 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, the address of the vacation rental, the vacation rental representative, and 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, if applicable.

(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, if applicable.

(6) A copy of the current City of Hollywood and Broward County local business tax receipts.

(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, bathrooms, exits, hallways, stairways, smoke and carbon monoxide detectors, fire extinguishers and exit signage/lighting.

(8) *Exterior site sketch.* A sketch showing and identifying all structures, pools, spas, hot tubs, fencing and other uses, including the number and the location of all on-site parking spaces for the vacation rental.

(9) Acknowledgment that each guest room shall be equipped with an approved, listed, single-station smoke detector meeting the minimum requirements of the NFPA.

(10) A section indicating whether the vacation rental will have ten or fewer occupants or more than ten occupants.

(11) Whether the vacation rental property is within 1,000 feet of any school, designated public school bus stop, day care center, park, playground, or other private or public recreational facility where children regularly congregate.

(12) Representation that the property is in compliance with all applicable codes. A vacation rental license shall not be issued on a property with open violations.

(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. Any false statements in an application shall be a basis for the revocation of any license issued pursuant to that application.

(Ord. O-2015-24, passed 10-21-15; Am. Ord. O-2017-12, passed 8-30-17; Am. Ord. O-2017-15, passed 9-20-17)

§ 119.12 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.

(Ord. O-2015-24, passed 10-21-15)

§ 119.13 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.

(Ord. O-2015-24, passed 10-21-15)

§ 119.14 RENEWAL OF VACATION RENTAL LICENSE.

A property owner may apply for a renewal beginning July 1 prior to the expiration of the annual license. Initial applications and renewals received after July 1 of the fiscal year shall be valid for the term expiring on September 30 of the following year. Each application for renewal received after September 30 shall be assessed a late fee of \$100.

(Ord. O-2015-24, passed 10-21-15; Am. Ord. O-2017-12, passed 8-30-17; Am. Ord. O-2017-15, passed 9-20-17)

§ 119.15 COMPLIANCE INSPECTIONS OF VACATION RENTALS.

(A) Except as provided in divisions (1) and (2) below, inspection of a vacation rental shall be required prior to issuance of a vacation rental license to verify compliance with the laws, rules and regulations of any and all regulatory authorities having jurisdiction, and where such laws, rules and regulations are applicable and are known to the Building Official. If instances of noncompliance with the standards and requirements therein 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.

(1) An applicant shall sign a sworn statement, under penalty of perjury, that he or she believes the subject property is in compliance with all city codes. Once an applicant signs such a sworn statement, a vacation rental license will be issued upon compliance with all requirements for the issuance of a vacation rental license other than the inspection and code compliance requirements. The applicant will then have six months from the date of issuance of the vacation rental license to comply with the inspection and code compliance requirements. If the applicant fails to comply with the inspection and code compliance requirements within six months, the vacation rental license will be automatically suspended, unless the applicant, prior to the expiration of the six-month

period, submits a written request for an extension of time. An extension of time may be based solely on a claim that the failure to comply within six months was caused primarily by the city, and the written request will detail circumstances that support such a claim. The City Manager, or his or her designee, is authorized to grant or deny the request. Denial by the City Manager will result in the automatic suspension of the vacation rental license.

(2) Current licensees will have six months from the date of issuance of a vacation rental license to comply with the inspection and code compliance requirements. If the licensee fails to comply with the inspection and code compliance requirements within six months, the vacation rental license will be automatically suspended, unless the applicant, prior to the expiration of the six-month period, submits a written request for an extension of time. An extension of time may be based solely on a claim that the failure to comply within six months was caused primarily by the city, and the written request will detail circumstances that support such a claim. The City Manager, or his or her designee, is authorized to grant or deny the request. Denial by the City Manager will result in the automatic suspension of the 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. In the event a notice of violation is issued, all violations shall be corrected and re-inspected within 30 calendar days after the issuance of the notice of violation, with the exception of life safety violations, which must be corrected within the earlier of three city 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) In the event a vacation rental property is declared a repeat nuisance, the vacation rental license shall be suspended pending the development by the property owner of a written action plan outlining the specific measures that the owner will take to eliminate the reoccurrence of nuisance activities at the property. The property owner shall provide the action plan to the city no later than 15 days from the date of the declaration notice of repeat nuisance property. If the city determines that the action plan is adequate to eliminate the reoccurrence of nuisance activities on the properties, the city shall establish a reasonable time period, not exceeding 45 days from the date the action plan is deemed adequate, to implement the action plan. If the property owner implements the action plan within the time period established by the city, the declaration of a repeat nuisance will be closed and the vacation rental license restored. If the city determines that the action plan is not adequate to eliminate the reoccurrence of nuisance activities on the property, the city may require the property owner to revise the action plan. The property owner shall submit the revised action plan to the city no later than ten days from the date the action plan is determined to be inadequate. The provision of an inadequate action plan on three consecutive occasions shall result in the revocation of the vacation rental license.

(D) The inspection shall consist of criteria established by the City Manager or his/her designee. Such criteria shall be established for the primary purpose of protecting the health, safety and welfare of vacation rental occupants.

(Ord. O-2017-12, passed 8-30-17; Am. Ord. O-2017-15, passed 9-20-17)

§ 119.16 (RESERVED).

§ 119.17 LICENSE 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.

(Ord. O-2015-24, passed 10-21-15; Am. Ord. O-2017-12, passed 8-30-17; Am. Ord. O-2017-15, passed 9-20-17)

§ 119.18 RENTAL AGREEMENT VESTING.

It is recognized that, at the time of passage of this chapter, there are likely existing rental/lease agreements for vacation rentals that may not be in compliance with the regulations herein. Rental agreements that were entered into prior to the date of adoption of this chapter shall be considered vested. No special vesting process or fee shall be required to obtain this vesting benefit.

(Ord. O-2015-24, passed 10-21-15)

VACATION RENTAL REPRESENTATIVE

§ 119.20 DUTIES OF THE 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, seven 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.

(D) Maintain for three years a log of all guests of the vacation rental to be available for inspection upon request.

(Ord. O-2015-24, passed 10-21-15; Am. Ord. O-2017-12, passed 8-30-17; Am. Ord. O-2017-15, passed 9-20-17)

STANDARDS AND REQUIREMENTS FOR VACATION RENTALS

§ 119.30 GENERAL.

The standards and requirements set forth in this subchapter shall apply to the rental, use, and occupancy of vacation rentals in the city.

(Ord. O-2015-24, passed 10-21-15; Am. Ord. O-2017-12, passed 8-30-17; Am. Ord. O-2017-15, passed 9-20-17)

§ 119.31 LOCAL PHONE SERVICE REQUIRED.

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.

(Ord. O-2015-24, passed 10-21-15)

§ 119.32 PARKING STANDARDS.

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

(Ord. O-2015-24, passed 10-21-15)

§ 119.33 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 six-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 divisions (A) and (B).

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

(Ord. O-2015-24, passed 10-21-15)

§ 119.34 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, 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 eight 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 seven feet for at least half the floor area of the room. Any portion of a habitable room having a ceiling height of five feet or less shall not be included in calculating the total floor area of that room.

(Ord. O-2015-24, passed 10-21-15)

§ 119.35 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; maximum of four occupants per bedroom;
- (3) A statement advising the occupant that any sound that crosses a property line at an unreasonably loud volume is unlawful within the city; as per the City Noise Ordinance, Chapter 100 of the Hollywood Code of Ordinances;
- (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;
- (8) The local non-emergency police phone number; and
- (9) If applicable, a statement that the vacation rental is located within 1,000 feet of a school, designated public school bus stop, day care center, park, playground, or other private or public recreational facility where children regularly congregate and shall not be rented to nor occupied by any person who has been convicted of a violation of F.S. §§ 794.011, 800.04, 827.071, or 847.0145, or convicted of a similar felony sexual offense in any other state, Federal Court or military tribunal in the United States, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age.

(B) A copy of the building evacuation map, with a minimum size of 8½" by 11", shall be provided to the renter upon the start of each vacation rental.

(C) In each vacation rental, located in the backyard and/or pool area, there shall be posted notice that unreasonably loud noise is prohibited.

(Ord. O-2015-24, passed 10-21-15; Am. Ord. O-2017-12, passed 8-30-17; Am. Ord. O-2017-15, passed 9-20-17)

§ 119.36 MINIMUM LIFE SAFETY REQUIREMENTS.

The following standards shall govern the use of any vacation rental required to be registered under § 119.10 of the Code of Ordinances, as a permitted use:

(A) *Swimming pool, spa and hot tub safety.* A swimming pool, spa or hot tub shall comply with the then current standards of the Residential Swimming Pool Safety Act, F.S. Ch. 515.

(B) *Smoke and carbon monoxide (CO) detection and notification system.* A smoke and carbon monoxide (CO) detection and notification system within the vacation rental unit shall be interconnected and hard wired and shall receive primary power from the building wiring.

(C) *Fire extinguisher.* A portable, multipurpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with the then current NFPA 10 on each floor/level of the unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.

(D) Compliance with Florida Administrative Code Rule 69A-43.018, "One and Two Family Dwellings, Recreational Vehicles and Mobile Homes Licensed as Public Lodging Establishment."

(Ord. O-2017-12, passed 8-30-17; Am. Ord. O-2017-15, passed 9-20-17)

§ 119.37 ADVERTISING.

The vacation rental shall not be advertised for any commercial or non-residential use, including use of the property primarily as a party, event or entertainment venue or social hall. Any advertising of the vacation rental unit by the owner, representative or any service shall conform to information included in the vacation rental application and shall include at a minimum, identification of the maximum occupancy permitted on the property. The owner or representative shall ensure that the name and contact information for any listing services on or through which the vacation rental is to be offered for rent, which was provided in the application, is updated with the city to reflect any changes to ensure that the city has a current list of all sites on which the vacation rental is listed for rent. Advertisements for the vacation rental must display the Florida Department of Business and Professional Regulation Transient Lodging license number and the City of Hollywood vacation rental license number.

(Ord. O-2017-12, passed 8-30-17; Am. Ord. O-2017-15, passed 9-20-17)

§ 119.38 COMMERCIAL USE OF PROPERTY PROHIBITED.

The vacation rental shall not be used for any commercial or non-residential use, including use of the property primarily as a party, event or entertainment venue or social hall.

(Ord. O-2017-12, passed 8-30-17; Am. Ord. O-2017-15, passed 9-20-17)

§ 119.39 SEXUAL OFFENDERS AND PREDATORS PROHIBITED.

Vacation rental properties within 1,000 feet of any school, designated public school bus stop, day care center, park, playground, or other private or public recreational facility where children regularly congregate shall not be rented to nor occupied by any person who has been convicted of a violation of F.S. §§ 794.011, 800.04, 827.071, or 847.0145, or convicted of a similar felony sexual offense in any other state, Federal Court or military tribunal in the United States, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age. The property owner or designated representative shall determine, prior to submission of an application for a vacation rental license, whether the vacation rental property is located in an area in which it is unlawful for sexual offenders or sexual predators to establish residence.

(Ord. O-2017-12, passed 8-30-17; Am. Ord. O-2017-15, passed 9-20-17)

ADMINISTRATION, PENALTIES, AND ENFORCEMENT

§ 119.55 ADMINISTRATION OF VACATION RENTAL LICENSE PROGRAM.

The ultimate responsibility for the administration of this chapter is vested in the City Manager, or his or 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.

(Ord. O-2015-24, passed 10-21-15)

§ 119.56 APPEALS.

Any decision of the City Manager, or his or her authorized designee, relating to the granting, denial, renewal, modification, suspension, or revocation 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 ten 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, but may be reviewed as permitted under state law.

(Ord. O-2015-24, passed 10-21-15; Am. Ord. O-2017-12, passed 8-30-17; Am. Ord. O-2017-15, passed 9-20-17)

§ 119.57 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.

(Ord. O-2015-24, passed 10-21-15)

§ 119.58 PENALTIES AND ENFORCEMENT.

(A) *By citation.* Any violation of this chapter may be punished by citation, as specifically described in Chapter 36 of the Hollywood Code of Ordinances, including but not limited to, the requirements of a reasonable warning prior to issuance of a citation; provided, however, the violation shall be subject to a fine in the amount of \$250, for the first offense, \$500 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 § 10.99 of the Hollywood Code of Ordinances. Nothing contained herein shall prevent the city from seeking all other available remedies that 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.* 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. The suspension of a vacation rental license shall be for a period of one 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. A dwelling unit may not be used as a vacation rental during any period of suspension of a vacation rental license. The suspension shall begin immediately following notice, commencing at the end of the then current vacation rental lease period.

(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 the noise emanated from the vacation rental, or receipt of a parking violation where the parking violation occurred on the vacation rental property, or any combination thereof, within any continuous 12-month period.

(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 or revocation of a vacation rental's vacation rental license.

(Ord. O-2015-24, passed 10-21-15; Am. Ord. O-2017-12, passed 8-30-17; Am. Ord. O-2017-15, passed 9-20-17)

