

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

ORDINANCE NO. 2016 - 02

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, CREATING ARTICLE XIV OF CHAPTER 7 OF THE CODE OF ORDINANCES ENTITLED "VACATION RENTAL LICENSE " TO INCLUDE, BUT NOT BE LIMITED TO, PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR A VACATION RENTAL LICENSE; PROVIDING FOR A VACATION RENTAL AGENT; 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 CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

19 **WHEREAS**, the 2011 Florida's legislature enacted House Bill 883 (Florida Chapter
20 2011-119, Laws of Florida)(hereafter "HB 883") which preempted the local regulation of specific
21 land use commonly called short-term vacation rentals (transient rentals less than thirty (30) days
22 in duration and commonly located in residential areas); and

23 **WHEREAS**, the 2014 Florida Legislature enacted Senate Bill 356 (Florida Chapter 2014-
24 71, Laws of Florida) (hereafter "SB 356") which rescinded the previous preemption on local
25 regulation of short-term vacation rentals, but provided that a local law, ordinance, or regulation
26 adopted after June 1, 2011 may not prohibit short-term vacation rentals or regulate the duration
27 or frequency of rental of vacation rentals; and

28 **WHEREAS**, adoption of SB 356 permits local government to enact legislation to mitigate
29 the effects of short-term vacation rentals in an attempt to make them safer, more compatible
30 with existing neighborhoods, and accountable for their proper operation; and

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

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

71 **ARTICLE XIV.VACATION RENTAL LICENSE**

72 **GENERAL PROVISIONS**

73
74 **7-465 PURPOSE.**

75
76 The purpose of this chapter is to promote public health, safety, welfare and convenience
77 through regulations and standards for short-term vacation rental properties by providing:

78
79 (A) for a vacation rental license;

80 (B) for safety and operational requirements;

81 (C) for parking standards;

82 (D) for solid waste handling and containment;

83 (E) for licensure requiring posting of vacation rental information;

84 (F) for administration, penalties and enforcement.

85 **7-466 DEFINITIONS.**

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

88
89 **CITY.** The City of Hallandale Beach, Florida, as geographically described in the City
90 Charter.

91
92 **HABITABLE ROOM.** A room or enclosed floor space used or intended to be used for
93 living or sleeping purposes, excluding kitchens, bathrooms, shower rooms, water closet
94 compartments, laundries, pantries, foyers, connecting corridors, closets and storage space.

95
96 **OCCUPANT.** Any person who occupies, either during the day or overnights, a Vacation
97 Rental.

98
99 **TRANSIENT PUBLIC LODGING ESTABLISHMENT.** Any unit, group of units, dwelling,
100 building or group of buildings within a single complex of buildings which is rented to guests more
101 than three times in a calendar year for periods of less than 30 days or 1 calendar month,
102 whichever is less, or which is advertised or held out to the public as a place regularly rented to
103 guests.

104
105 **VACATION RENTAL.** Any individually or collectively owned single family house or
106 dwelling unit that is also a transient public lodging establishment, but that is not a timeshare.

107
108 **VACATION RENTAL AGENT.** A Vacation Rental property owner, or his/her authorized
109 designee, as identified in the application for a City Vacation Rental license.

110
111 **VACATION RENTAL LICENSE**

112
113 **7-467 LICENSE REQUIRED.**

114
115 After October 1, 2016, an active Vacation Rental license shall be required to operate a
116 Vacation Rental within properties that are located in single family residential districts RS-5, RS-
117 6, and RS-7, as indicated on the City's Zoning Map. Only Vacation Rentals holding an active
118 Vacation Rental license issued by the City of Hallandale Beach may operate within the City.
119 Prior to the issuance of a Vacation Rental license, the City shall ensure that the building in
120 which the Vacation Rental is or will be located, is in full compliance with the appropriate portions
121 of the Florida Building Code and the Florida Fire Prevention Codes. A separate Vacation Rental
122 license shall be required for each Vacation Rental.

123
124 Any agreements for vacation rentals which were entered into prior to February 17, 2016
125 shall be vested under this ordinance.

126
127 **7-468 APPLICATION FOR VACATION RENTAL LICENSE.**

128
129 (A) A property owner seeking initial issuance of a Vacation Rental license, or the
130 renewal, or modification of a Vacation Rental license, shall submit to the City a completed
131 Vacation Rental license application in a form promulgated by the City, together with an
132 application fee in an amount set by resolution of the City Commission.

133
134 (B) A complete application for the initial issuance, or renewal, or modification, of a
135 Vacation Rental license shall demonstrate compliance with the standards and requirements set
136 forth in this chapter through the following submittals:

137
138 (1) A completed Vacation Rental license application form, which must
139 identify; the property owner, address of the Vacation Rental, Vacation Rental Agent, and the
140 phone number of the Vacation Rental Agent.

141
142 (2) Payment of applicable fees.

143
144 (3) A copy of the Vacation Rental's current and active license as a Transient
145 Public Lodging Establishment with the Florida Department of Business and Professional
146 Regulation, if such license is required.

147
148 (4) A copy of the Vacation Rental's current and active certificate of
149 registration with the Florida Department of Revenue for the purposes of collecting and remitting
150 sales surtaxes, transient rental taxes, and any other taxes required by law to be remitted to the
151 Florida Department of Revenue.

153 (5) Evidence of the Vacation Rental's current and active account with the
154 Broward County Tax Collector for the purposes of collecting and remitting tourist development
155 taxes and any other taxes required by law to be remitted to the Broward County Tax Collector.
156

157 (6) A copy of the current Certificate of Occupancy for the building in which
158 the Vacation Rental is or will be located.

159
160 (7) A copy of the current Local Business Tax Receipt.
161

162 (8) Interior building sketch by floor. A building sketch by floor shall be
163 provided, showing a floor layout and demonstrating compliance with the standards and
164 requirements set forth in this chapter. The sketch provided shall be drawn to scale, and shall
165 show and identify all bedrooms, other rooms, exits, hallways, stairways, smoke and carbon
166 monoxide detectors, fire extinguishers and exit signage/lighting.
167

168 (9) A sketch showing the number of parking spaces and the location of
169 parking spaces for the Vacation Rental.
170

171 (10) An affidavit certifying that each room has been equipped with smoke
172 detectors per NFPA regulations.
173

174 (11) Evidence indicating the number of occupants that can inhabit the house.
175

176 (12) A report from licensed professionals certifying compliance with Section 4-
177 476 of this chapter.
178

179
180 (13) Proof of compliance with Section 7-480 of this chapter.

181 (C) Incomplete applications will not be accepted, but will be returned with any fees
182 submitted to the property owner with a notation of what items are missing.
183

184 (D) Vacation Rental license applications shall be sworn to under penalty of perjury
185 and false statements in an application shall be a basis for the revocation of any license issued
186 pursuant to such application.
187

188 (E) Failure to procure a vacation rental license may subject violators to notices of
189 violation, civil citations, or any other remedies available to the City.
190

191
192 **7-469 FEES FOR REGISTRATION.**
193

194 Reasonable fees for registration shall be provided for, from time to time, by resolution
195 adopted by the City Commission. Such fees are necessary to compensate for administrative
196 expenses.
197

198 **7-470 MODIFICATION OF VACATION RENTAL LICENSE.**

199
200 An application for modification of a Vacation Rental license shall be required in the event
201 that any of the following changes to the Vacation Rental are proposed:

202
203 (A) An increase in the gross square footage.

204
205 (B) An increase in the number of bedrooms.

206
207 (C) An increase in the maximum occupancy.

208
209 (D) An increase in the number of parking spaces, or a change in the location of
210 parking spaces.

211
212 (E) A change in the number of bathrooms.

213
214 (F) Any other material modifications that would increase the intensity of use or any
215 other material information that would modify the information provided in the original application.

216
217 **7-471 DURATION OF VACATION RENTAL LICENSE.**

218
219 A Vacation Rental license shall be valid for 1 year, and shall expire each September
220 30th.

221
222 **7-472 RENEWAL OF VACATION RENTAL LICENSE.**

223
224 A property owner must apply annually for a renewal of the Vacation Rental license no
225 later than 60 days prior to the expiration date of the previous Vacation Rental license. The
226 application for renewal shall include the renewal fee and a report from licensed professionals
227 certifying compliance with all applicable Fire and Building Codes.

228
229
230 **7-473 LICENSES NON-TRANSFERABLE, NON-ASSIGNABLE.**

231
232 Vacation Rental licenses are non-transferable and non-assignable. If the ownership of
233 any Vacation Rental is sold or otherwise transferred, any outstanding Vacation Rental license
234 as to that Vacation Rental shall be null and void upon the sale or transfer.

235
236
237 **VACATION RENTAL AGENT**

238
239 **7-474 DUTIES OF VACATION RENTAL AGENT.**

240
241 Every Vacation Rental Agent shall:

243 (A) Be available by landline or mobile telephone answered by the Vacation Rental
244 Agent at the listed phone number 24-hours a day, 7 days a week to handle any problems arising
245 from the Vacation Rental; and
246

247 (B) Be willing and able to be physically present at the Vacation Rental within 60
248 minutes following notification from a Vacation Rental Occupant, law enforcement officer,
249 emergency personnel, or the City for issues related to the Vacation Rental, and shall actually be
250 physically present at that location in that time frame when requested; and
251

252 (C) Conduct an on-site inspection of the Vacation Rental at the end of each rental
253 period to assure continued compliance with the requirements of this chapter.
254

255 **STANDARDS AND REQUIREMENTS FOR VACATION RENTALS**

256 **7-475 GENERAL.**

257 The standards and requirements set forth in this section shall apply to the rental, use,
258 and occupancy of Vacation Rentals in the City.
259

260 **7-476 MINIMUM SAFETY AND OPERATIONAL REQUIREMENTS.**

261 Vacation Rentals in the City shall meet the following minimum safety and operational
262 requirements, and the applicable standards under the Florida Statutes, Florida Building Code
263 and the Florida Fire Prevention Code. Whenever there is an inconsistency among the
264 requirements of this section, the Florida Statutes, the Florida Building Code, or the Florida Fire
265 Prevention Code, the most restrictive requirement shall apply.
266

267 (A) *Swimming pool, spa and hot tub safety.* A swimming pool, spa or hot tub offered
268 or made available as an amenity at a Vacation Rental shall comply with the current standards of
269 the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes. The property owner
270 shall cause the swimming pool drain system, any underwater lighting system, and the electrical
271 pump system of such swimming pools, spas, and hot tubs to be inspected annually by an
272 appropriately licensed technician. The Vacation Rental Agent shall maintain a
273 contemporaneous log of such inspections, which shall be made available to the City for
274 inspection upon request during normal business hours.
275

276 (B) *Bedrooms.* All bedrooms within a Vacation Rental shall meet the applicable
277 requirements of the Florida Building Code, and the Florida Fire Prevention Code.
278

279 (C) *Smoke and carbon monoxide (CO) detection and notification system.* A fully
280 operational smoke alarm and carbon monoxide (CO) alarm system shall be installed within the
281 Vacation Rental and maintained on a continuing basis consistent with the requirements of
282 Section R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida
283 Building Code – Residential.
284

285 (D) *Fire extinguisher.* A portable, multi-purpose dry chemical 2A:10B:C fire
286 extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each
287 floor of a Vacation Rental. The extinguisher(s) shall be installed on the wall in an open common
288 area or in an enclosed space with appropriate markings visibly showing the location of the fire
289 extinguisher.
290

294 (E) Emergency egress maintenance and lighting. Halls, entrances and stairways
295 within a Vacation Rental shall be clean, ventilated and well lit day and night. Hall and stair
296 runners shall be kept in good condition. Rails shall be installed on all stairways and around all
297 porches and steps.

298
299 (F) Local phone service. At least one landline telephone with the ability to call 911
300 shall be available in the main level common area in the Vacation Rental.

301
302 **7-477 PARKING STANDARDS.**

303
304 Occupants and visitors to the Vacation Rental shall comply with all relevant parking
305 codes as found in Chapter 32 of the Code of Ordinances.

306
307 **7-478 SOLID WASTE HANDLING AND CONTAINMENT.**

308
309 (A) Trash storage containers shall be provided and shall be screened with a 6 foot
310 fence, with an opening for container removal.

311
312 (B) The Vacation Rental shall contract with the waste management provider for side
313 door pick-up service.

314
315 (C) Properties with alley garbage collection are exempt from (A) and (B).

316
317 (D) Notice of the location of the trash storage containers shall be posted by the main
318 entrance of the Vacation Rental.

319
320 **7-479 MAXIMUM OCCUPANCY.**

321
322 Requirements for space shall be as follows:

323
324 (A) Each Vacation Rental shall have a minimum gross floor area of not less than 150
325 square feet for the first occupant and not less than 100 square feet for each additional occupant.

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

327
328 (1) Have a gross floor area of not less than 70 square feet; and when
329 occupied by more than one occupant, it shall have a gross floor area of not less than 50
330 square feet for each occupant. The maximum number of occupants for each room used
331 for sleeping purposes shall be four (4).

332
333 (2) Have a minimum width of 8 feet.

334
335 (C) Gross area shall be calculated on the basis of total habitable room area, and
336 those exclusions appearing in the definition of "habitable room" shall not be considered in
337 calculation of such floor areas.

338
339 (D) Every habitable room in a Vacation Rental shall have a ceiling height of not less
340 than 7 feet for at least half the floor area of the room. Any portion of a habitable room having a
341 ceiling height of 5 feet or less shall not be included in calculating the total floor area of such
342 room.

343

344 **7-480 POSTING OF VACATION RENTAL INFORMATION.**

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

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

348 (2) The maximum occupancy of the Vacation Rental;

349 (3) A statement advising the Occupant must comply with the noise
350 regulations found in Chapter 9 or Chapter 32 of the Code;

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

352 (5) The days and times of trash pickup;

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

355 (7) The location of the nearest hospital; and

356 (8) The local non-emergency police phone number.
357

358 (B) There shall be posted, next to the interior door of each bedroom a legible copy of
359 the building evacuation map – Minimum 8-1/2" by 11".

360

361 **ADMINISTRATION, PENALTIES, AND ENFORCEMENT**

362 **7-481 ADMINISTRATION OF VACATION RENTAL LICENSE PROGRAM.**

363 The ultimate responsibility for the administration of this chapter is vested in the City
364 Manager, or his/her authorized designee, is responsible for granting, denying, revoking,
365 renewing, suspending and canceling Vacation Rental licenses for proposed and existing
366 Vacation Rentals as set forth in this chapter.
367

368
369 **7-482 APPEALS.**

370
371 Any appeal of a decision of the City Manager, or his/her authorized designee, relating to
372 the grant, denial, renewal, modification, or suspension of a Vacation Rental license under this
373 chapter shall be rendered in writing, and reviewed by the City Commission if a notice by the
374 applicant is filed with the City Clerk within 10 days after the action to be reviewed. The City
375 Clerk shall place the matter on the agenda of an upcoming meeting of the City Commission, at
376 which the matter will be reviewed in a quasi-judicial hearing. The decision of the City
377 Commission shall be final. Such final decision may be reviewed as permitted under Florida law.
378

379
380 **7-483 NOTICE.**

381
382 Any notice required under this chapter shall be accomplished by sending a written
383 notification by U.S. Mail, postage paid, to the mailing address of the Vacation Rental Agent set

384 forth on documents filed with the City under this chapter, which shall be considered for all
385 purposes as the correct address for service, or by personal service or delivery to the Vacation
386 Rental Agent.
387

388 **7-484 PENALTIES AND ENFORCEMENT.**
389

390 (A) Any violation of this chapter or chapter 9 may be punished by citation, as
391 specifically described in Chapter 9 of the Code of Ordinances, including but not limited to the
392 requirements of a reasonable warning prior to issuance of a citation; provided, however, such
393 violation shall be subject to a fine in the amount of \$250.00, for the first offense, \$500.00 for the
394 second and subsequent offenses, plus a suspension or revocation of the Vacation Rental
395 license as provided hereinafter.
396

397 (B) Other enforcement methods and penalties. Notwithstanding anything otherwise
398 provided herein, violations of this chapter shall also be subject to all the enforcement methods
399 and penalties that may be imposed for the violation of ordinances of the City. Nothing contained
400 herein shall prevent the City from seeking all other available remedies which may include, but
401 not be limited to, a special magistrate hearing, injunctive relief, abatement of public nuisance,
402 liens, fines, imprisonment, and other penalties as provided by law.
403

404 (C) Suspension of license.
405

406 (1) In addition to any fines and any other remedies described herein or
407 provided for by law, the City Manager may suspend a Vacation Rental license as follows:

408 (a) 7 days upon a third violation of this chapter in any continuous 12 month
409 period.

410 (b) 30 calendar days upon a fourth violation of this chapter in any continuous 12
411 month period.

412 (c) An additional 30 calendar days for each subsequent violation within a
413 continuous 12 month period. For example, a fifth violation may result in a 60
414 calendar day suspension.
415

416 (d) For violations of section 7-476, or violations of the Florida Building Code,
417 or Florida Fire Prevention Code, a Vacation Rental license shall be subject to temporary
418 suspension starting immediately 3 working days after citation for such violation if it is not
419 corrected, re-inspected, and found in compliance. Such suspension shall remain in place until
420 corrected, re-inspected, and found in compliance.
421

422 (D) Revocation of license.
423

424 (1) The City Manager may refuse to issue or renew a license or may revoke a
425 Vacation Rental license issued under this chapter if the property owner has willfully withheld or
426 falsified any information required for a Vacation Rental license.
427

428 (2) The City Manager may revoke a Vacation Rental license issued under this
429 chapter upon the fifth conviction for a noise violation where such noise emanated from the
430 Vacation Rental or fifth conviction of a parking violation where such parking violation occurred
431 on the Vacation Rental property within any continuous 12 month period.

471 **Section 6. Effective Upon Passage.** That this Ordinance shall be in full force and effect
472 immediately upon its passage and adoption.

473
474 PASSED AND ADOPTED on 1st reading on February 3, 2016.

475
476 PASSED AND ADOPTED on 2nd reading on February 17, 2016.

477
478

479
480

481
482

483
484

SPONSORED BY: CITY COMMISSION

485
486

ATTEST:

487
488

489
490

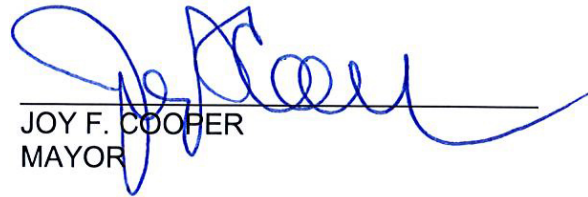
491
492

493
494

495
496


497
498

499
500



JOY F. COOPER
MAYOR

ATTEST:



MARIO BATAILLE, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY and
FORM



V. LYNN WHITFIELD
CITY ATTORNEY

VOTE
AYE/NAY

Mayor Cooper	✓/	_____
Vice Mayor Julian	✓/	_____
Comm. Lazarow	✓/	_____
Comm. London	✓/	_____
Comm. Sanders	✓/	_____