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WHEREAS, subsequent to the Florida legislature's adoption of SB 356, which permits local governments to enact legislation to mitigate the effects of short-term vacation rentals, to make them safer, more compatible with existing neighborhoods, and accountable for their proper operation, the City passed Ordinance 2016-02 to implement a licensing program for short term vacation rentals in the City's RS-5, RS-6, and RS-7 districts; and

WHEREAS, the current vacation rentals are not subject to a public safety impact fee, the only method for the city to recoup some of its expenditures for the increase calls of service for the vacation rentals is to assess cost recovery as a portion of the penalties levied against the violators; and

WHEREAS, Section 7-467 established an effective date for requiring the necessary license of October 1, 2016 and the Mayor and City Commission are concerned that with the upcoming summer months the activity will increase even more and further damage the character and integrity of the neighborhoods unless the effective date of the licensing is

advanced and the penalties for failure to register and adhere to these regulations are strengthened; and

WHEREAS, the rapidly increasing number of vacation rentals in the City's residential neighborhoods has created a negative impact on the neighborhoods, including but not limited to, excessive noise, on-street parking, accumulation of trash, and diminished public safety; and

WHEREAS, the Mayor and City Commission desire to amend Section 7-484 to provide stricter penalties and more active enforcement in order to provide positive impacts on the community, increase property values, and achieve greater neighborhood compatibility; and

WHEREAS, Mayor and City Commission have determined that these amendments are in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:

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

Section 1: Article XIV of Chapter 7 of the Code of Ordinances entitled "Vacation Rental License" is hereby amended as follows:

* * *

ARTICLE XIV.VACATION RENTAL LICENSE

GENERAL PROVISIONS

VACATION RENTAL LICENSE

7-466. DEFINITIONS.

Cost Recovery – a process whereby the property owner reimburses the City for costs incurred by providing service calls to the property.

Service Calls – the deployment of City service personnel including, but not limited to: fire, police, or other emergency personnel.

72
73 **7-467 LICENSE REQUIRED.**
74

75 ~~After October 1, 2016~~ Effective upon enactment, an active Vacation Rental license shall
76 be required to operate a Vacation Rental within properties that are located in single family
77 residential districts RS-5, RS-6, and RS-7, as indicated on the City's Zoning Map. Only Vacation
78 Rentals holding an active Vacation Rental license issued by the City of Hallandale Beach may
79 operate within the City. Prior to the issuance of a Vacation Rental license, the City shall ensure
80 that the building in which the Vacation Rental is or will be located, is in full compliance with the
81 appropriate portions of the Florida Building Code and the Florida Fire Prevention Codes. A
82 separate Vacation Rental license shall be required for each Vacation Rental.
83

84 Any agreements for vacation rentals which were entered into prior to February 17, 2016
85 shall be vested under this ordinance.
86

87 *****
88

89 **7-484 PENALTIES AND ENFORCEMENT.**
90

91 (A) Any violation of this chapter or chapter 9 may be punished by citation, as
92 specifically described in Chapter 9 of the Code of Ordinances, including but not limited to the
93 requirements of a reasonable warning prior to issuance of a citation; provided, however, such
94 violation shall be subject to a fine in the amount of \$250.00, for the first offense, \$500.00 for the
95 second and subsequent offenses, plus a suspension or revocation of the Vacation Rental
96 license as provided hereinafter.
97

98
99 (1) For all purposes under this chapter, service of notice on the Vacation Rental
100 Agent shall be deemed service of notice on the property owner and
101 Occupant.
102

103
104 (B) *Other enforcement methods and penalties.* Notwithstanding anything otherwise
105 provided herein, violations of this chapter shall also be subject to all the enforcement methods
106 and penalties that may be imposed for the violation of ordinances of the City. Nothing contained
107 herein shall prevent the City from seeking all other available remedies which may include, but
108 not be limited to, a special magistrate hearing, injunctive relief, abatement of public nuisance,
109 liens, fines, imprisonment, and other penalties as provided by law.
110

111 (1) The property owner shall be responsible for all cost recovery charges
112 incurred for calls for service involving violations of this Chapter or any other
113 code violation that occurs as a result of the property's operation as a vacation
114 rental.
115

116 (C) *Suspension of license.*
117

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

- (a) 7 days upon a third violation of this chapter in any continuous 12 month period.
- (b) 30 calendar days upon a fourth violation of this chapter in any continuous 12 month period.
- (c) An additional 30 calendar days for each subsequent violation within a continuous 12 month period. For example, a fifth violation may result in a 60 calendar day suspension.
- (d) For violations of section 7-476, 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.

(2) 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.

(D) Revocation of license, cost recovery, and liens.

(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.

(a) 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 any unpaid cost recovery charges.

(2) The City Manager may revoke a Vacation Rental license issued under this chapter upon the third complaint fifth conviction for a noise violation where such noise emanated from the Vacation Rental or third complaint fifth conviction of a parking violation where such parking violation occurred on the Vacation Rental property within any continuous 612 month period.

(a) After a second offense involving noise violations and/or parking violations, the City Manager may require the property owner to provide a security guard at the owner's expense. The City Manager may request proof of compliance with this requirement.

(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. Once revoked, a license for the same address shall not be issued to any of the individuals, collection of individuals, or owners of any companies or subsidiaries which owned the property at the time the suspension begins for the remainder the license year (which begins October 1) or for a minimum of six months, whichever is longer.

SECTION 2. Codification. 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 Hallandale Beach, Florida, and the sections of this Code may be renumbered to accomplish such intention.

SECTION 3. Severability. 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 Conflict. 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. Reserved Sections. Chapter 7, Article XIV shall reserve the following sections as follows:
Sec. 7-486---7-490. Reserved.

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

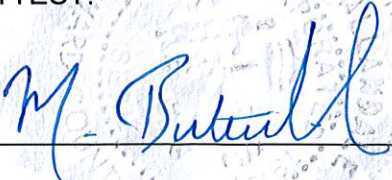
PASSED AND ADOPTED on 1st reading on June 22 2016.

PASSED AND ADOPTED on 2nd reading on July 6 2016.


JOY F. COOPER
MAYOR

SPONSORED BY: COMMISSIONER KEITH S. LONDON

ATTEST:



206 MARIO BATAILLE, CMC
207 CITY CLERK
208
209 APPROVED AS TO LEGAL SUFFICIENCY and
210 FORM

211
212 
213

214 V. LYNN WHITFIELD
215 CITY ATTORNEY