

EXHIBIT 1
ORDINANCE NO. 2020-

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 7 "BUSINESSES", ARTICLE XIV VACATION RENTALS TO REQUIRE NOISE MONITORING DEVICES, SCREENING FOR REGISTERED SEXUAL PREDATOR COMPLIANCE, AND AMENDING ENFORCEMENT PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 2011 Florida Legislature enacted House Bill 883 (Florida Chapter 2011-119, Laws of Florida) 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WHEREAS, the 2014 Florida Legislature enacted Senate Bill 356 (Florida Chapter 2014-71, Laws of Florida) which rescinded the previous preemption on local regulation of short-term vacation rentals, but provided that a local law, ordinance, or regulation adopted after June 1, 2011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, adoption of SB 356 permits local government to enact legislation 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, on February 17, 2016, the City of Hallandale Beach adopted Ordinance No. 2016-02, which created Article XIV of Chapter 7 of the Code of Ordinances entitled "Vacation Rental License" to provide for vacation rental licensing requirements for vacation rentals in single-family dwelling units; and

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

38 **WHEREAS**, in Ordinance 2018-009, the City expanded the ordinance to all residential
39 properties; and

41 **WHEREAS**, in October 2019, the City hosted a town hall where residents expressed
42 concerns over noise and parking issues resulting from vacation rentals; and

44 **WHEREAS**, the Mayor and City Commission have determined that it is in the best
45 interest of the public to adopt provisions to address the continuing concerns of residents
46 resulting from short term rentals and to strengthen preventative measures against noise and
47 other nuisances.

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

52 **Section 1.** The foregoing “Whereas” clauses are hereby incorporated herein and
53 confirmed as true.

54 **Section 2:** Article XIV of Chapter 7 of the Code of Ordinances entitled “Vacation
55 Rental License” is amended as follows:

56 **ARTICLE XIV.VACATION RENTAL LICENSE**

57 **Sec. 7-466. - Definitions.**

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

61 *City.* The City of Hallandale Beach, Florida, as geographically described in the City Charter.

62 *Cost recovery.* A process whereby the property owner reimburses the city for costs incurred by
63 providing service calls to the property.

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

67 *Noise Monitoring Device.* A device monitoring real-time noise levels and programmed to alert a
68 *Vacation Rental Agent when noise levels exceed 5 decibels from ambient.*

69 *Occupant.* Any person who occupies, either during the day or overnights, a vacation rental.

70 Service calls. The deployment of city service personnel including, but not limited to: fire, police,
71 or other emergency personnel.

72 *Transient public lodging establishment.* Any unit, group of units, dwelling, building or group of
73 buildings within a single complex of buildings which is rented to guests more than three times in
74 a calendar year for periods of less than 30 days or one calendar month, whichever is less, or
75 which is advertised or held out to the public as a place regularly rented to guests.

76 *Vacation rental.* Any individually or collectively owned single-family house or dwelling unit that is
77 also a transient public lodging establishment, but that is not a timeshare.

78 *Vacation rental agent.* A vacation rental property owner, or his/her authorized designee, as
79 identified in the application for a city vacation rental license.

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81 **7-468 APPLICATION FOR VACATION RENTAL LICENSE.**

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

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

90 (1) A completed Vacation Rental license application form, which must
91 identify; the property owner, address of the Vacation Rental, Vacation Rental Agent, and the
92 phone number of the Vacation Rental Agent.

93 (2) Payment of applicable fees.

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

97 (4) A copy of the Vacation Rental's current and active certificate of
98 registration with the Florida Department of Revenue for the purposes of collecting and remitting
99 sales surtaxes, transient rental taxes, and any other taxes required by law to be remitted to the
100 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 Certificate of Occupancy for the building in which the Vacation Rental is or will be located, which will be reviewed by the City's Building Official. If the Building Official determines a change of occupancy is required, vacation rental agent must provide an affidavit of compliance signed and sealed by a licensed architect or engineer, and submit an application for Change of Occupancy.

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

(8) *Interior building sketch by floor.* A building sketch 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.

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

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

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

(12) A report from licensed professional/s certifying compliance with Section 7-476 of this chapter, including placement of the Noise Monitoring Device.

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

(14) An affidavit that the dwelling unit in which the Vacation Rental is or will be located is in compliance with all applicable city, county, state and federal laws, rules, regulations, ordinances and statutes.

(15) For vacation rental units located in a condominium association or homeowner's association, an affidavit of compliance with the Association's rules.

(16) An affidavit attesting that prospective occupants will be screened for compliance with all registered sexual predatory distance requirements.

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

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

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Sec. 7-474. - Duties of vacation rental agent.

Every vacation rental agent shall:

(1) Be available by landline or mobile telephone answered by the vacation rental agent at the listed phone number 24 hours a day, seven days a week to handle any problems arising from the vacation rental; and

(2) 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

(3) 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.

(4) Be able to receive notifications from the Noise Monitoring Device. Vacation Rental Agents shall notify occupants in of a vacation rental of unacceptable noise levels within 20 minutes of the Noise Monitoring Device's registration of 5 decibels over ambient noise levels.

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7-476 MINIMUM SAFETY AND OPERATIONAL REQUIREMENTS.

It is the affirmative duty of the Vacation Rental Agent to ensure that Vacation Rentals in the City shall meet the minimum safety and operational requirements, and the applicable standards under the Florida Statutes, Florida Building Code and the Florida Fire Prevention Code. 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. In addition, the Vacation Rental Agent has the affirmative duty to ensure the following requirements are met:

(1) *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 comply Florida Statutes. 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 Agent shall maintain a contemporaneous log of such inspections, which shall be made available to the City for inspection upon request during normal business hours.

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

(3) *Smoke and carbon monoxide (CO) detection and notification system.* A fully operational smoke alarm and carbon monoxide (CO) alarm system shall be installed within the Vacation Rental and maintained on a continuing basis consistent with the requirements of the Florida Building Code.

(4) *Fire extinguisher.* A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each floor of a Vacation Rental. 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 of the fire extinguisher.

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

(6) *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.

(7) *Noise Monitoring Device.* A Noise Monitoring Device shall be placed outside, on an exterior wall of the property. The Noise Monitoring Device must be capable of monitoring and recording decibel levels of environmental noise and of sending a real time alert to the Vacation Rental Agent if the decibel level exceeds 60 decibels. The device shall not be used to establish compliance or violation of the City's noise ordinance, but is intended to require Vacation Rental Agents to monitor the activities of their properties and to prevent violations of the City's noise ordinance. Data from the device may be used to establish violation of this chapter.

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Sec. 7-484. - Penalties and enforcement.

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(a) Any violation of this chapter or Chapter 9 may be punished by citation, as specifically described in Chapter 9 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 or revocation of the vacation rental license as provided hereinafter.

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(1) For all purposes under this chapter, service of notice on the vacation rental agent shall be deemed service of notice on the property owner and occupant.

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(2) Fines payable pursuant to this section may not be mitigated or reduced without approval of the City Commission.

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(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. Nothing contained herein shall prevent the city from seeking all other available remedies which may include, but not be limited to, a special magistrate hearing, injunctive relief, abatement of public nuisance, liens, fines, imprisonment, and other penalties as provided by law.

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

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(c) Suspension of license.

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(1) In addition to any fines and any other remedies described herein or provided for by law, the city manager may suspend a vacation rental license as follows:

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a. Seven days upon a third violation of this chapter in any continuous 12-month period.

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b. Thirty calendar days upon a fourth violation of this chapter in any continuous 12-month period.

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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 three 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, 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 as follows:

a. If ~~if~~ the property owner has willfully withheld or falsified any information required for a vacation rental license.

~~a. b. The city manager may refuse to issue or renew a license, or may revoke a vacation rental license issued under this chapter i~~ If the property owner has any unpaid cost recovery charges.

~~(2) c. The city manager may revoke a vacation rental license issued under this chapter u~~ Upon the third complaint for a noise violation where such noise emanated from the vacation rental if a citation has been issued for violation of the City's noise ordinance or a third complaint of a parking violation where such parking violation occurred on the vacation rental property within any continuous six-month period if a citation has been issued for violation of the Code of Ordinances.

~~a. (2)~~ 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 of the license year (which begins October 1) or for a minimum of six months, whichever is longer.

(e) For all purposes under this chapter, service of notice on the vacation rental agent 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.

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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. In the event that any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 4. Conflict. All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 5. Effective Date. This ordinance shall take effect upon adoption.

PASSED AND ADOPTED on 1st reading on _____, 2020.
PASSED AND ADOPTED on 2nd reading on _____, 2020.

JOY F. COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

JENORGEN GUILLEN
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY AND
FORM

JENNIFER MERINO
CITY ATTORNEY