

Sec. 15-272. - Registration required.

- (a) It is unlawful for any person to allow another person to occupy any residential property that is a single-family, two-family, three-family, or four-family house or dwelling unit as a vacation rental within the city, or offer such property for rent as a vacation rental within the city, unless the owner of the property in fee simple title or his or her authorized representative has registered the property as a vacation rental property with the city and the vacation rental property has been issued a certificate of compliance in accordance with the provisions of this article.
- (b) An application for registration as a vacation rental is deemed pending when the application has been filed, all applicable fees have been paid to the city pursuant to section 15-274, of this Code, a certificate of compliance has not been issued for the property and the application has not been rejected. A registration application rejected as incomplete is not pending. Notwithstanding subsection (a) above, a person may allow another person to occupy residential property, for which a certificate of compliance has not been issued, as a vacation rental, when an application is pending if:
 - (1) The residential property has an effective and valid license as a vacation rental classification of public lodging establishment issued by the Florida Department of Business and Professional Regulations prior to August 18, 2015; and
 - (2) The residential property is not in violation of any section of this Code; and
 - (3) An application for registration of the residential property as a vacation rental has been filed pursuant to section 15-273 and all applicable fees have been paid; and
 - (4) That said occupancy of the vacation rental was scheduled prior to August 18, 2015, as evidenced by a written and validly executed rental agreement or contract provided to the city manager no later than November 2, 2015.
- (c) A vacation rental shall be registered annually on or before the thirtieth (30th) day of September.
- (d) The advertising or advertisement for the rental of a single-family, two-family, three-family, or four-family house or dwelling unit for periods of time less than thirty (30) days or one (1) calendar month is direct evidence of offering a property for rent as a vacation rental in violation of subsection 15-272(a) and the advertising or

advertisement is admissible in any enforcement proceeding. The advertising or advertisement evidence raises rebuttable presumption that the residential property named in the notice of violation or any other report or as identified in the advertising or advertisement was used in violation of subsection 15-272(a).

(Ord. No. C-15-29, § 1, 8-18-2015 ; Ord. No. C-16-25, § 1, 12-6-16)

Sec. 15-275. - Responsible party required.

Whenever any property is required to be registered under this article, the owner shall appoint a natural person to serve as the responsible party for service of notices as are specified herein, and notices given to the responsible party shall be sufficient to satisfy any requirement of notice to the owner. An initial responsible party shall be designated and name submitted with the application for registration, and the city manager or his or her designee shall thereafter be notified of any change of responsible party within ten (10) days of such change. Further, it is the affirmative duty of the responsible party to:

- (1) Provide all guests prior to occupancy of the property with a written summary, printed in the English language, of applicable city ordinances concerning noise, vehicle parking, garbage, and common area usage. The summary shall include citations to the applicable city ordinances and instructions on how to access the complete written text. The summary shall be posted in the interior of the structure prominently near the main entrance of the establishment; and
- (2) Maintain all properties under their control in compliance with this Code; and
- (3) See that the provisions of this article are complied with and promptly address any violations of this article or any violations of law which may come to the attention of the responsible party; and
- (4) Be available with authority to address and coordinate solutions to problems with the rental of the property twenty-four (24) hours a day, seven (7) days a week; and
- (5) Be situated close enough to the property as to be able to respond in person within one (1) hour of being notified by a vacation rental occupant, law enforcement officer, emergency personnel, or the city of issues related to the vacation rental. Responsible party shall respond when requested; and
- (6) Keep available a register of all guests, which shall be open to inspection by

authorized personnel of the city at all times; and

- (7) Maintain the entire property free of garbage and litter, provided however, that this subsection shall not prohibit the storage of garbage and litter in authorized receptacles for collection; and
- (8) Conduct an on-site inspection of the vacation rental at the end of each rental period to ensure continued compliance with the requirements of this chapter.

(Ord. No. C-15-29, § 1, 8-18-2015 ; Ord. No. C-16-25, § 1, 12-6-16)

Sec. 15-278. - Vacation rental standards.

The following standards shall govern the use of any vacation rental required to be registered under section 15-272, of this Code, as a permitted use:

- (1) Minimum life/safety requirements:
 - a. *Swimming pool, spa and hot tub safety.* A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, F.S. ch. 515.
 - b. *Dwelling units.* All dwelling units shall meet the minimum requirements of article VI, Minimum Housing Code, chapter 9, Buildings and Construction of this Code.
 - c. *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, hard-wired, and receive primary power from the building wiring. The smoke and carbon monoxide (CO) detection and notification system shall be installed and continually maintained consistent with the requirements of Section R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code—Residential.
 - d. *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/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.
 - e.

That all vehicles associated with the vacation rental must be parked within a driveway located on the subject property and in compliance with this Code.

- f. *Local telephone service.* At least one (1) landline telephone with the ability to call 911 shall be available in the main level common area in the vacation rental.
- (2) *Maximum occupancy.*
 - a. The maximum number of transient occupants authorized to stay overnight at any vacation rental shall be limited to two (2) persons per sleeping room. The number of sleeping rooms shall be confirmed by on-site inspection by a representative of the city, and
 - b. The maximum number of persons allowed to gather at or occupy a vacation rental shall not exceed one and one-half (1 ½) times the maximum occupants authorized to stay overnight at that site, as shown on the certificate of compliance, and in no event shall a gathering exceed twenty (20) persons. This subsection b. shall not apply to owner-occupied vacation rentals when the property owner is physically present on the site during the gathering, and
 - c. Up to four (4) persons under thirteen (13) years of age are exempt from and shall not count towards the occupancy limits set in subsections a. and b. above.
- (3) *Solid waste handling and containment.* City solid waste containers shall be provided as required in chapter 24 of this Code. Appropriate screening and storage requirements for solid waste containers shall apply per any development approval. For purposes of this section, a solid waste container shall not be placed at curbside before 6:00 p.m. of the day prior to solid waste pickup, and the solid waste container shall be removed from curbside before midnight of the day of pickup.
- (4) *Minimum vacation rental/lease agreement wording.* The vacation rental/lease agreement shall contain the minimum information as provided for in this subsection 15-278.
- (5)

Minimum vacation rental lessee information. The vacation rental lessee shall be provided with a summary of the information required in subsection 15-278 with instructions on how to access the full text and shall post the following conspicuously within the establishment:

- a. A statement advising the occupant that any sound shall not be plainly audible for a period of one (1) minute or longer at a distance of twenty-five (25) feet or more when measured from the source property line between the hours of 10:00 p.m. and 7:00 a.m. daily and at a distance of fifty (50) feet or more when measured from the source property line between the hours of 7:00 a.m. and 10:00 p.m. daily;
 - b. A sketch or photograph of the location of the off-street parking spaces;
 - c. The days and times of trash pickup;
 - d. The notice of sea turtle nesting season and sea turtle lighting regulations, if applicable;
 - e. The location of the nearest hospital; and
 - f. The city's non-emergency police telephone number.
 - g. There shall be posted, next to the interior door of each bedroom a legible copy of the building evacuation map—Minimum eight and one-half (8½) inches by eleven (11) inches.
- (6) Designation of a vacation rental responsible party capable of meeting the duties provided in subsection 15-276.
- (7) *Advertising.* Any advertising of the vacation rental unit shall conform to information included in the vacation rental certificate of compliance and the property's approval, particularly as this pertains to maximum occupancy. A statement stating "it is unlawful for a sexual offender or sexual predator to occupy this residence" if so determined pursuant to subsection 15-278(8) of this Code and the certificate of compliance number shall be included in all advertising.
- (8) *Sexual offenders and sexual predators.* It is unlawful for any property owner or designated representative to allow another person to occupy any residential property as a vacation rental within the city, as a transient occupant if such property owner or designated representative knew or should have known that the vacation rental will be occupied by a person

prohibited from establishing a permanent residence or temporary residence at said residential property pursuant to section 16-127 of this Code, if such place, structure, or part thereof, trailer or other conveyance, is located within one thousand four hundred (1,400) feet of any school, designated public school bus stop, child day care facility, park or playground or other place where children regularly congregate as described in article VI, chapter 16 of this Code. Property owner or designated representative shall determine, prior to submission of an application for a certificate of compliance, whether the vacation rental property is located in an area in which it is unlawful for sexual offenders or sexual predators to establish residence pursuant to section 16-127.

- (9) *Posting of certificate of compliance.* The certificate of compliance shall be posted on the back of or next to the interior of the main entrance door and shall include at a minimum the name, address and telephone number of the responsible party, the maximum occupancy of the vacation rental and a statement stating "it is unlawful for a sexual offender or sexual predator to occupy this residence" if so determined pursuant to subsection 15-278(8) of this Code.
- (10) That all vehicles associated with the vacation rental must be parked within a driveway in compliance with this Code.
- (11) *Other standards.* Any other standards contained within this Code and the unified land development regulations of the city to include, but not be limited to: noise, setbacks, stormwater and similar provisions.

(Ord. No. C-15-29, § 1, 8-18-2015; Ord. No. C-16-25, § 1, 12-6-16)