ORDINANCE NO. 2018-003

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING
CHAPTER 7 “BUSINESSES”, ARTICLE XIV VACATION
RENTALS; SPECIFICALLY AMENDING SECTION 7-467
ENTITLED “LICENSE REQUIRED”; SPECIFICALLY AMENDING
SECTION 7-468 ENTITLED “APPLICATION FOR VACATION
RENTAL LICENSE”; SPECIFICALLY AMENDING 7-476
ENTITLED “MINIMUM SAFETY AND OPERATIONAL
REQUIREMENTS”, TO REQUIRE A VACATION RENTAL
LICENSE FOR ALL VACATION RENTALS WITHIN CITY LIMITS;
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71, Laws of Florida) which rescinded the previous preemption on local regulation of short-term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
WHEREAS, condominiums and condominium associations are governed by Florida law pursuant to the "Condominium Act," Chapter 718, Florida Statutes; and

WHEREAS, issuance of a vacation rental license is based solely upon the City of Hallandale Beach Code, Florida Building Code and other applicable local, county, state and federal laws. Issuance of a vacation rental license does not independently satisfy any applicable Homeowner/Condominium Association approval requirements that may exist between the Owner and the Association; and the City does not enforce any nongovernmental deed restrictions or Homeowner/Condominium restrictions; and

WHEREAS, the Mayor and City Commission have determined that it is in the best interest of the public to expand the vacation rental regulations to all residential properties located within the City.

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

Section 1: Amending Article XIV of Chapter 7 of the Code of Ordinances entitled “Vacation Rental License” as follows:

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ARTICLE XIV. VACATION RENTAL LICENSE

* * *

7467. LICENSE REQUIRED.

After October 1, 2016 (date of enactment), an active Vacation Rental license shall be required to operate a Vacation Rental within properties that are located in single family residential districts RS-5, RS-6, and RS-7, as indicated on the City’s Zoning Map. City limits. Only Vacation Rentals holding an active Vacation Rental license issued by the City of Hallandale Beach may operate within the City. Prior to the issuance of a Vacation Rental license, the City shall ensure Vacation Rental Agent has the affirmative duty to ensure that the building dwelling unit in which
the Vacation Rental is or will be located, is in full compliance with the appropriate portions of the
Florida Building Code and the Florida Fire Prevention Codes. A separate Vacation Rental license
shall be required for each Vacation Rental.

Any agreements for vacation rentals which were entered into prior to February 17, 2016
located in single family residential districts RS-5, RS-6, and RS-7, as indicated on the City's
Zoning Map shall be vested under this ordinance. Any agreements for vacation rentals which
were entered into prior to (date of enactment), 2017 located in a district other than single family
residential districts RS-5, RS-6, and RS-7, as indicated on the City's Zoning Map shall be vested
under this ordinance.

7-468 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, or renewal, or modification, of a
Vacation Rental license 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, address of the Vacation Rental, Vacation Rental Agent, and the phone
number of the Vacation Rental Agent.

(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, if such license is required.

(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.
(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.

(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.

(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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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 following 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:

(A) **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 with the current standards of the Residential Swimming Pool Safety Act, Chapter 515, 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.

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

(C) **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 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 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.
(E) **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.

(F) **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.

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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 2nd reading on February 21, 2018.

SPONSORED BY: MAYOR KEITH LONDON

ATTEST:

MARIO BATAILLE, CMC

FILE NO. 17-579

ORD. NO. 2018-003

Words in strike-through type are deletions from existing text. Words in underline type are additions.
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY AND FORM

VOTE

AYE/NAY

Mayor London
Vice Mayor Lazarow
Comm. Dally
Comm. Taub

JENNIFER MERINO
CITY ATTORNEY