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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WHEREAS, the 2014 Florida Legislature enacted Senate Bill 356 (Florida Chapter 2014-71, Laws of Florida) which rescinded the previous preemption on local regulation of short-term vacation rentals, but provided that a local law, ordinance, or regulation adopted after June 1, 2011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

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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:

* * *

ARTICLE XIV. VACATION RENTAL LICENSE

* * *

7-467. 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

71 the Vacation Rental is or will be located, is in full compliance with the appropriate portions of the
72 Florida Building Code and the Florida Fire Prevention Codes. A separate Vacation Rental license
73 shall be required for each Vacation Rental.

74
75 Any agreements for vacation rentals which were entered into prior to February 17, 2016
76 located in single family residential districts RS-5, RS-6, and RS-7, as indicated on the City's
77 Zoning Map shall be vested under this ordinance. Any agreements for vacation rentals which
78 were entered into prior to (date of enactment), 2017 located in a district other than single family
79 residential districts RS-5, RS-6, and RS-7, as indicated on the City's Zoning Map shall be vested
80 under this ordinance.

81
82 **7-468 APPLICATION FOR VACATION RENTAL LICENSE.**

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

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

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

95 (2) Payment of applicable fees.

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

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

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

106 (6) A copy of the current Certificate of Occupancy for the building in which the
107 Vacation Rental is or will be located, which will be reviewed by the City's Building Official. If the
108 Building Official determines a change of occupancy is required, vacation rental agent must
109 provide an affidavit of compliance signed and sealed by a licensed architect or engineer, and
110 submit an application for Change of Occupancy.

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

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

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

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

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

122 (12) A report from licensed professional/s certifying compliance with Section
123 7-476 of this chapter.

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

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

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

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

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

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

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140 **7-476 MINIMUM SAFETY AND OPERATIONAL REQUIREMENTS.**

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142 It is the affirmative duty of the Vacation Rental Agent to ensure that Vacation Rentals in
143 the City shall meet the following minimum safety and operational requirements, and the applicable
144 standards under the Florida Statutes, Florida Building Code and the Florida Fire Prevention Code.
145 Whenever there is an inconsistency among the requirements of this section, the Florida Statutes,
146 the Florida Building Code, or the Florida Fire Prevention Code, the most restrictive requirement
147 shall apply. In addition, the Vacation Rental Agent has the affirmative duty to ensure the following
148 requirements are met:

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

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

159 (C) *Smoke and carbon monoxide (CO) detection and notification system.* A fully
160 operational smoke alarm and carbon monoxide (CO) alarm system shall be installed within the
161 Vacation Rental and maintained on a continuing basis consistent with the requirements of ~~Section~~
162 ~~R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms,~~ of the Florida Building Code
163 ~~—Residential.~~

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

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

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

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* * *

177 **Section 2. Codification.** That it is the intention of the City Commission and it is
178 hereby ordained that the provisions of this ordinance shall be made a part of the Code of
179 Ordinances of the City of Hallandale Beach, Florida, and the sections of this Code may be
180 renumbered to accomplish such intention.

181 **Section 3. Severability.** In the event that any section or provision of this ordinance or
182 any portion thereof, any paragraph, sentence or word be declared by a court of competent
183 jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a
184 whole or part thereof other than the part declared to be invalid.

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

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

188 PASSED AND ADOPTED on 1st reading on January 31, 2018.

189 PASSED AND ADOPTED on 2nd reading on February 21, 2018.

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KEITH S. LONDON
MAYOR

SPONSORED BY: MAYOR KEITH LONDON

ATTEST:



MARIO BATAILLE, CMC

205 CITY CLERK
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207 APPROVED AS TO LEGAL SUFFICIENCY AND
208 FORM

209
210 
211
212
213 JENNIFER MERINO
214 CITY ATTORNEY

VOTE	
AYE/NAY	
Mayor London	<u>Y</u> / <u>I</u>
Vice Mayor Lazarow	<u>Y</u> / <u>I</u>
Comm. Dally	<u>Y</u> / <u>I</u>
Comm. Taub	<u>Y</u> / <u>I</u>