

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA AMENDING CHAPTER 119 OF THE CODE OF ORDINANCES ENTITLED "VACATION RENTAL LICENSE PROGRAM"; AMENDING VARIOUS PROVISIONS OF THAT PROGRAM, INCLUDING EXPANDING APPLICABILITY TO ENTIRE CITY AND LIMITING ISSUANCE OF CONDITIONAL LICENSES.

WHEREAS, Vacation Rentals have caused many problems, particularly in residential neighborhoods; and

WHEREAS, the Florida Statutes preempt to the state many aspects of the regulation of Vacation Rentals; and

WHEREAS, the City Commission of the City of Hollywood, Florida has previously adopted ordinances regulating Vacation Rentals in areas of regulation that are not preempted to the state; and

WHEREAS, the City Commission wishes to amend the existing sections of the Code of Ordinances in a further attempt to address the problems caused by Vacation Rentals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That Section 119.02 of the Code of Ordinances is amended to read as follows:

TITLE XI: BUSINESS REGULATIONS

CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

General Provisions

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§119.02 DEFINITIONS

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

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CONDITIONAL LICENSE. A license given to a property owner operating his or her property as a Vacation Rental on _____ (insert effective date of ordinance) who, prior to _____

(Coding: Words and figures underlined are additions to existing law; words and figures ~~struck through~~ are deletions.)

(insert effective date of ordinance), was not required to obtain a Vacation Rental license. A conditional license will be issued only during the application process after an inspection has been scheduled.

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TRANSIENT PUBLIC LODGING ESTABLISHMENT. Any unit, group of units, dwelling, building or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

VACATION RENTAL. ~~Any unit or group of units in a condominium or cooperative or any individually or collectively owned single family, two family, three family, or four family house or dwelling unit~~ designed to be occupied as the residence or living quarters of not more than one family, that is ~~also~~ a transient public lodging establishment ~~and is located in an area zoned RS or RM,~~ but that is not a timeshare project.

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Section 3: That Section 119.10 of the Code of Ordinances is amended to read as follows:

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

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Vacation Rental License

§ 119.10 LICENSE REQUIRED.

(A) A property owner operating a Vacation Rental shall obtain a Vacation Rental license prior to advertising a property available for short term rental. This requirement includes properties which the property owner maintains a permanent residence and offers any portion of the property for transient Vacation Rental. A separate Vacation Rental license shall be required for each Vacation Rental.

A property owner who is eligible for a conditional license shall obtain a conditional license not later than (insert date 60 days after effective date of ordinance). If the City is unable to schedule the required inspection on or before (insert date 60 days after effective date of ordinance), the City shall extend this deadline to enable the property owner, acting in good faith, to operate continuously from (insert effective date of ordinance) through the period during which the conditional license is in effect to the date a regular Vacation Rental license is issued.

Section 4: That Section 119.11 of the Code of Ordinances is amended to read as follows:

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

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Vacation Rental License

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§ 119.11 APPLICATION FOR VACATION RENTAL LICENSE.

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

* * *

(12) Acknowledgement that the vacation renewal shall be equipped with a noise level detection device alerting the property owner/representative and tenants.

(13 42) Representation that the property is in compliance with all applicable codes. A Vacation Rental license shall not be issued on a property with open violations.

Section 5: That Section 119.13 of the Code of Ordinances is amended to read as follows:

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

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Vacation Rental License

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§ 119.13 DURATION OF VACATION RENTAL LICENSE.

The Vacation Rental license shall expire each September 30, and may be annually renewed thereafter only if the property is inspected and is in compliance with this chapter.

Section 6: That Section 119.15 of the Code of Ordinances is amended to read as follows:

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

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Vacation Rental License

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§ 119.15 COMPLIANCE INSPECTIONS OF VACATION RENTALS.

(A) Except when a conditional license is issued as provided in paragraphs (1) and (2) below, inspection of a Vacation Rental shall be required prior to issuance of a Vacation Rental license to verify compliance with the laws, rules and regulations of any and all regulatory authorities having jurisdiction, and where such laws, rules and regulations are applicable and are known to the Building Official. The inspection shall consist of criteria established by the City Manager or his/her designee. Such criteria shall be established for the primary purpose of protecting the health, safety and welfare of Vacation Rental occupants. If instances of noncompliance with the standards and requirements therein are found, all such instances of noncompliance shall be corrected and the Vacation Rental shall be re-inspected prior to the issuance of an initial Vacation Rental license.

(1) An applicant shall sign a sworn statement, included in the Vacation Rental license application, under penalty of perjury, that he or she believes the subject property is in compliance with all City codes and Broward County and State of Florida building codes.

(2) Once an applicant signs such a sworn statement, ~~a Vacation Rental license will be issued upon compliance with~~ and all requirements for the issuance of a Vacation Rental license other than the inspection and code compliance requirements have been met, an inspection will be scheduled. ~~The applicant will then have six months from the date of issuance of the Vacation Rental license to comply with the inspection and code compliance requirements. If the applicant fails to comply with the inspection and code compliance requirements within six months, the Vacation Rental license will be automatically suspended, unless the applicant, prior to the expiration of the six-month period, submits a written request for an extension of time. An extension of time may be based solely on a claim that the failure to comply within six months was caused primarily by the City, and the written request will detail circumstances that support such a claim. The City Manager, or his or her designee, is authorized to grant or deny the request. Denial by the City Manager will result in the automatic suspension of the Vacation Rental license.~~

(B) Inspections shall be scheduled by the Treasury Division upon completion of the application process. The Treasury Division will have full access to the inspector's calendar for the purpose of scheduling the available time for the inspection. The applicant will sign a schedule form with the representative's contact information, acknowledging the scheduled time for inspection.

(1) If an applicant to whom a conditional license has been issued fails to allow the scheduled inspection to proceed, the conditional license shall be revoked and a new application shall be required with all associated fees. No credit will be given for previous fees paid.

(2) If an applicant to whom a conditional license has been issued reschedules an inspection, a rescheduling fee in an amount set by resolution of the City Commission will be due, and the conditional license shall be suspended automatically until the property passes inspection.

(3) Failure to respond for a scheduled inspection, ignoring calls pertaining to an inspection, and rental of a Vacation Rental without a proper license therefor shall cause the City to seek an inspection warrant. If an inspection warrant is issued, a fee in an amount set by resolution of the City Commission will be assessed for the costs related to the obtaining and execution of the warrant.

(4) If an inspection warrant is issued and entry is still refused, the individual refusing entry may be subject to prosecution for the willful refusal to permit an inspection authorized by an inspection warrant issued pursuant to state law – a misdemeanor of the second degree.

(5) If instances of noncompliance with the applicable standards and requirements are found, all such instances of noncompliance shall be corrected, and the property shall not be rented as a Vacation Rental until it is re-inspected and an initial Vacation Rental license is issued...

(C) Any unpermitted work on property used as a Vacation Rental shall be deemed “unsafe” per the Florida Building Code Broward County Amendments section 116.2.1.3, and the property will be posted “Unsafe.”

(D) Unpermitted work shall be corrected by obtaining a building permit and all work shall be inspected and pass inspection. As provided in the Florida Building Code, a double permit fee for after-the-fact permitting shall be charged. The property owner may request expedited plan review for an additional fee in an amount set by resolution of the City Commission. The inspection shall consist of criteria established by the City Manager or his/her designee. Such criteria shall be established for the primary purpose of protecting the health, safety and welfare of Vacation Rental occupants.

(E) Once a Vacation Rental passes inspection and license is issued a license for a Vacation Rental, such Vacation Rental shall be properly maintained in accordance with the standards and requirements set forth in this chapter. In the event a notice of violation is issued, all violations shall be corrected and re-inspected within 30 calendar days after the issuance of the notice of violation, with the exception of life safety violations, which will deem the Vacation Rental unsafe and not lawful for further occupancy until corrected and inspected which must be corrected within the earlier of three (3) City working days or the start of the next rental period. Failure to correct such violations within the timeframes provided shall result in the suspension of the Vacation Rental license until such time that the violations are corrected, re-inspected, and found in compliance.

(F) In the event a Vacation Rental property is found guilty or admits guilt, regardless of adjudication, adjudicated guilty of a violation, citation, or a notice to appear two times in a six month period declared a repeat nuisance, the Vacation Rental license shall be suspended pending the development by the property owner of a written action plan outlining the specific measures that the owner will take to eliminate the reoccurrence of the violation nuisance activities at the property.

(1) The property owner shall provide the action plan to the City no later than five fifteen (15) business days from the date of the second finding or admission of guilt, regardless of adjudication declaration notice of repeat nuisance property. A fee in an amount set by resolution of the City Commission shall be charged for each action plan submitted to cover review costs.

(2) If the City determines that the action plan is adequate to eliminate the reoccurrence of nuisance activities on the properties, the property owner shall implement the plan within five business ~~City shall establish a reasonable time period, not exceeding 45 days from the date the action plan is deemed adequate, to implement the action plan.~~

(3) If the property owner implements the action plan within the time period established by the City and pays all associated fines and costs imposed by the City, the ~~declaration of a repeat nuisance will be closed and the~~ Vacation Rental license will be restored.

(4) If the City determines that the action plan is not adequate to eliminate the reoccurrence of the violations ~~nuisance activities~~ on the property, the City may require the property owner to revise the action plan. The property owner shall submit the revised action plan to the City no later than five ~~ten~~ days from the date the action plan is determined to be inadequate. The submittal ~~provision~~ of an inadequate action plan on three consecutive occasions shall result in the revocation of the Vacation Rental license.

Section 7: That Section 119.20 of the Code of Ordinances is amended to read as follows:

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

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Vacation Rental Representative

§ 119.20 DUTIES OF THE VACATION RENTAL REPRESENTATIVE.

Every Vacation Rental representative shall:

* * *

(B) 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, code 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. The rental agreement, including the date booked and check in and check out schedule, for a current guest shall be made available immediately upon arrival to the City personnel requesting a response. Any violations resulting in fines issued to a tenant where the property owner was advised shall also be the property owner's responsibility, thereby enabling the property owner to recover the fines via a security deposit; and

* * *

(D) Maintain for three years a log of all guests of the Vacation Rental to be available for inspection upon request. Any omission of rentals shall be grounds for revocation of the Vacation Rental license.

Section 8: That Section 119.32 of the Code of Ordinances is amended to read as follows:

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

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Standards And Requirements For Vacation Rentals

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§ 119.32 PARKING STANDARDS.

Occupants and visitors to the Vacation Rental shall comply with all relevant parking codes as found in Chapter 72 of the Hollywood Code of Ordinances. Notice of the parking locations allowed and other requirements shall be posted inside the Vacation Rental

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Section 9: That Section 119.35 of the Code of Ordinances is amended to read as follows:

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

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Standards And Requirements For Vacation Rentals

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§ 119.35 POSTING OF VACATION RENTAL INFORMATION.

(A) In each Vacation Rental, located on the back or next to the main entrance door, there shall be posted as a single page the following information:

- (1) The name, address and phone number of the Vacation Rental representative;
- (2) The maximum occupancy of the Vacation Rental; maximum of four occupants per bedroom.
- (3) A statement advising the occupant that any sound that ~~crosses a property line at an~~ is unreasonably loud ~~volume~~ is unlawful within the City; as per the City Noise Ordinance, The Noise Ordinance also allows for enforcement based on decibel readings. A noise level detection device alerting the property owner/ representative and tenants shall be installed in every Vacation Rental.
- (4) A sketch of the location of the off-street parking spaces;
- (5) The days and times of trash pickup;
- (6) The notice of sea turtle nesting season and sea turtle lighting regulations, if applicable;

- (7) The location of the nearest hospital; and
- (8) The local non-emergency police phone number.

(9) If applicable, a statement that the Vacation Rental is located within 1,000 feet of a school, designated public school bus stop, day care center, park, playground, or other private or public recreational facility where children regularly congregate and shall not be rented to nor occupied by any person who has been convicted of a violation of F.S. §§ 794.011, 800.04, 827.071, or 847.0145, or convicted of a similar felony sexual offense in any other state, Federal Court or military tribunal in the United States, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age.

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Section 10: That Section 119.37 of the Code of Ordinances is amended to read as follows:

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

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Standards and Requirements for Vacation Rentals

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§ 119.37 ADVERTISING

The Vacation Rental shall not be advertised for any commercial or non-residential use, including use of the property primarily as a party, event or entertainment venue or social hall. Any advertising of the Vacation Rental unit by the owner, representative or any service shall conform to information included in the vacation rental application and shall include at a minimum, identification of the maximum occupancy permitted on the property. The owner or representative shall ensure that the name and contact information for any listing services on or through which the Vacation Rental is to be offered for rent, which was provided in the application, is updated with the City to reflect any changes to ensure that the City has a current list of all sites on which the Vacation Rental is listed for rent. Advertisements for the Vacation Rental must display the Florida Department of Business and Professional Regulation Transient Lodging license number and the City of Hollywood Vacation Rental license number. Any advertising of a property for purposes of a Vacation Rental shall be deemed sufficient evidence of the use of that property as a Vacation Rental for purposes of enforcing all sections of this chapter. It shall be the property owner's responsibility to cancel any advertisements upon ceasing rentals. Failure to do so is not a defense.

Section 11: That Section 119.38 of the Code of Ordinances is amended to read as follows:

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

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Standards and Requirements for Vacation Rentals

119.38 COMMERCIAL USE OF PROPERTY PROHIBITED

The Vacation Rental shall not be used for any commercial or non-residential use, including use of the property primarily as a party, event or entertainment venue or social hall. The City shall deem any commercial use or advertising for commercial use as a serious offense and shall seek the maximum penalties allowed by law.

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Section 12: That Section 119.56 of the Code of Ordinances is amended to read as follows:

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

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Administration, Penalties, and Enforcement

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§ 119.56 APPEALS.

Any decision of the City Manager, or his or her authorized designee, appealed by the property owner shall be heard by the special magistrate ~~relating to the granting, denial, renewal, modification, or suspension, or revocation of a Vacation Rental license under this chapter shall be rendered in writing, and reviewed by the City Commission if a notice by the applicant is filed with the City Clerk within ten days after the action to be reviewed.~~ All associated fines and costs imposed shall be paid by the property owner. The special magistrate shall have full authority to enforce this chapter. The City Clerk shall place the matter on the agenda of an upcoming meeting of the City Commission, at which the matter will be reviewed. ~~The decision of the City Commission shall be final, but may be reviewed as permitted under state law.~~

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Section 13: That Section 119.58 of the Code of Ordinances is amended to read as follows:

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

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Administration Penalties, and Enforcement,

§ 119.58 PENALTIES AND ENFORCEMENT.

(A) *By citation.* Any violation of this chapter may be punished by citation, as specifically described in Chapter 36 of the Hollywood Code of Ordinances, including but not limited to, the requirements of a reasonable warning prior to issuance of a citation; provided, however, the violation shall be subject to a fine in the amount of \$250, for the first offense, \$500 for the second and subsequent offenses, plus a suspension of the Vacation Rental license, as provided hereinafter, for the third offense. Citations may be issued to the property owner, the Vacation Rental representative, the tenant, or any combination of the three.

* * *

(C) *Suspension of license.* In addition to any fines and any other remedies described herein or provided for by law, the City Manager shall suspend a Vacation Rental license upon a third finding or admission of guilt, regardless of adjudication, of any violation of this chapter in any continuous six 12 month period. Such suspension of a Vacation Rental license shall be for a period not to exceed of 1 year, and shall begin following notice, commencing either at the end of the current Vacation Rental lease period, or after 30 calendar days, whichever is less. A dwelling unit may not be used as a Vacation Rental during any period of suspension of a Vacation Rental license. ~~The suspension shall begin immediately following notice, commencing at the end of the then current Vacation Rental lease period.~~

(D) *Revocation of license.*

(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.

(2) The City Manager shall revoke a Vacation Rental license issued under this chapter upon the fifth second finding or admission of guilt, regardless of adjudication, of either a noise violation where the noise emanated from the Vacation Rental, or receipt of a parking violation where the parking the same violation which occurred on the Vacation Rental property, ~~or any combination thereof,~~ within any continuous six 12 month period.

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(F) No occupant shall occupy a Vacation Rental, and no advertisement for the Vacation Rental shall occur during any period of suspension or revocation of a Vacation Rental's Vacation Rental license. Any use of the property as a Vacation Rental during suspension or revocation shall be subject to the maximum penalties allowed by law for each day the property is so used or advertised.

Section 14: That it is the intention of the City Commission and it is ordained that the provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of this Code may be renumbered to accomplish such intention

Section 15: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 16: 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 are repealed to the extent of such conflict.

Section 17: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised _____, 2020.

PASSED on first reading this _____ day of _____, 2020.

PASSED AND ADOPTED on second reading this _____ day of _____, 2020.

ATTEST:

JOSH LEVY, MAYOR

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance of
the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES
CITY ATTORNEY