

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 THE ENTIRE CITY AND **DISCONTINUING** 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*

\* \* \*

(Coding: Words and figures underlined are additions to existing law; words and figures ~~struck through~~ are deletions; words and figures **shaded** are changes between 1<sup>st</sup> and 2<sup>nd</sup> readings.)

## §119.02 DEFINITIONS

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

\* \* \*

***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.~~

\* \* \*

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

## TITLE XI: BUSINESS REGULATIONS

\* \* \*

### CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

\* \* \*

#### *Vacation Rental License*

### § 119.10 LICENSE REQUIRED.

(A) Except as provided in the following paragraph, 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 operating a Vacation Rental on January 20, 2021 who, prior to January 20, 2021, was not required to obtain a Vacation Rental license shall obtain a

license not later than April 1, 2021. If the City is unable to schedule the required inspection on or before April 1, 2021, the City shall extend this deadline to enable the property owner, acting in good faith and in compliance with all applicable laws, to operate continuously from January 20, 2021 to the date a Vacation Rental license is issued. The grace period plus any City-granted extensions shall be available only during the initial application process after January 20, 2021. No other grace periods or extensions shall be allowed or granted.

\* \* \*

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

## TITLE XI: BUSINESS REGULATIONS

\* \* \*

### CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

\* \* \*

#### *Vacation Rental License*

\* \* \*

#### § 119.11 APPLICATION FOR VACATION RENTAL LICENSE.

\* \* \*

(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:

\* \* \*

(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, if applicable.

\* \* \*

(10) A section indicating the maximum number of occupants whether the Vacation Rental vacation rental will have ten or fewer occupants or more than ten occupants.

\* \* \*

(12) Acknowledgment that (i) the Vacation Rental shall be equipped with a noise level detection device alerting the property owner/representative and tenants to noise emanating from the Vacation Rental, and (ii) all data produced by this device will be retained for a period of 180 days and made available to the City upon request.

(13 12) 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.

(14) Acknowledgment that each lease of the property as a Vacation Rental shall identify all occupants by name and shall include a copy of Chapter 119 of the Code of Ordinances as an attachment.

(15) A certificate of insurance evidencing insurance coverage to cover liability for injury or harm to occupants and other invitees, and acknowledgment that (i) such liability coverage will be in effect at all times while the property is being used as a Vacation Rental, as evidenced by replacement certificates of insurance to be provided to the City as necessary, and (ii) a standard homeowner's or renter's insurance policy may not necessarily provide such liability coverage while the property is used as a Vacation Rental.

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

## TITLE XI: BUSINESS REGULATIONS

\* \* \*

### CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

\* \* \*

#### *Vacation Rental License*

\* \* \*

#### § 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 in compliance with this chapter and a renewal fee, to be established by resolution of the City Commission, is paid. Renewal will be subject to an annual inspection. If, in connection with the rescheduling of an inspection, the property owner fails to reply to three attempts by the City to contact the property owner, the license for the subject property shall be revoked,

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

## TITLE XI: BUSINESS REGULATIONS

\* \* \*

### CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

\* \* \*

#### *Vacation Rental License*

\* \* \*

#### § 119.15 COMPLIANCE INSPECTIONS OF VACATION RENTALS.

(A) Inspection ~~Except as provided in paragraphs (1) and (2) below,~~ inspection of a Vacation Rental shall be required prior to issuance of a Vacation Rental license and prior to renewal 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. ~~Once an applicant signs such a sworn statement, a vacation rental license will be issued upon compliance with all requirements for the issuance of a vacation rental license other than the inspection and code compliance requirements. 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.~~

(2) Once an applicant signs such a sworn statement 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. ~~Current licensees will have six months from the date of issuance of a vacation rental license to comply with the inspection and code compliance requirements. If the licensee 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 upon completion of the application process. The applicant will sign a schedule form with the representative's contact information, acknowledging the scheduled time for inspection. ~~Once a vacation rental license is issued 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 must be corrected within the earlier of three 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.~~

(1) If an applicant who is entitled to a grace period pursuant to the second paragraph of § 119.10(A) fails to allow the scheduled inspection to proceed, the grace period shall be terminated and a new application shall be required with all associated fees. No credit will be given for previous fees paid.

(2) If an applicant who is entitled to a grace period pursuant to the second paragraph of § 119.10(A) reschedules an inspection, a rescheduling fee in an amount set by resolution of the City Commission will be due, and the grace period shall be tolled 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." In the event a vacation rental property is 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 nuisance activities at the property. The property owner shall provide the action plan to the city no later than 15 days from the date of the declaration notice of repeat nuisance property. If the city determines that the action plan is adequate to eliminate the reoccurrence of nuisance activities on the properties, the 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. If the property owner implements the action plan within the time period established by the city, the declaration of a repeat nuisance will be closed and the vacation rental license restored. If the city determines that the action plan is not adequate to eliminate the reoccurrence of 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 ten days from the date the action plan is determined to be inadequate. The provision of an inadequate action plan on three consecutive occasions shall result in the revocation of the vacation rental license.

(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 is issued a license, such Vacation Rental shall be properly maintained in accordance with the standards and requirements set forth in this chapter and all other applicable regulations. 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. 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, of a violation, citation, or a notice to appear two times in a 12

month period, 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 at the property; provided, however, that if the second finding or admission of guilt is for the same violation, paragraph 119.58(D)(2) shall apply and this subsection shall not apply.

(1) The property owner shall provide the action plan to the City no later than five business days from the date of the second finding or admission of guilt, regardless of adjudication. 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 days from the date the action plan is deemed adequate.

(3) If the property owner successfully completes the action plan within the time period established by the City and pays all associated fines and costs imposed by the City, 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 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 days from the date the action plan is determined to be inadequate. The submittal 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

\* \* \*

### CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

\* \* \*

#### *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

\* \* \*

#### CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

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##### *Standards And Requirements For Vacation Rentals*

\* \* \*

#### § 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 119.33 of the Code of Ordinances is amended to read as follows:

#### TITLE XI: BUSINESS REGULATIONS

\* \* \*

## CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

\* \* \*

### *Standards And Requirements For Vacation Rentals*

\* \* \*

#### § 119.33 SOLID WASTE HANDLING AND CONTAINMENT.

Requirements for garbage storage and collection shall be as follows:

(A) Trash storage containers shall be provided and shall be screened with a six-foot fence or landscaping, with an opening for container removal.

(B) The vacation rental shall contract with the waste management provider for side-door pick-up service.

(C) Properties with alley garbage collection are exempt from divisions (A) and (B).

(D) Notice of the location of the trash storage containers and rules for collection shall be posted inside the vacation rental.

(E) In addition to the trash storage container automatically issued by the City, all Vacation Rentals not using dumpsters that have a maximum occupancy of more than eight shall have at least one additional trash storage container if available from the City, whether there is a charge for such additional trash storage container or not.

Section 10: That Section 119.34 of the Code of Ordinances is amended to read as follows:

## TITLE XI: BUSINESS REGULATIONS

\* \* \*

## CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

\* \* \*

### *Standards And Requirements For Vacation Rentals*

\* \* \*

#### § 119.34 MAXIMUM OCCUPANCY.

Requirements for space shall be as follows:

(A) Each vacation rental shall have a minimum gross floor area of not less than 150 square feet for the first occupant, and not less than 100 square feet for each additional occupant.

(B) Every room in a vacation rental ~~used occupied~~ for sleeping purposes shall:

(1) Have a gross floor area of not less than 70 square feet; and when occupied by more than one occupant, shall have a gross floor area of not less than 50 square feet for each occupant. The maximum number of occupants for each room used for sleeping purposes shall be four.

(2) Have a closet, but closet space will not be considered as space meeting the requirements established in paragraph (1) above.

(3 2) Have a minimum width of eight feet.

(C) Gross area shall be calculated on the basis of total ~~habitable~~ room area, and those exclusions appearing in the definition of "habitable room" shall not be considered in calculation of such floor areas.

(D) Every habitable room in a vacation rental shall have a ceiling height of not less than seven feet for at least half the floor area of the room. Any portion of a habitable room having a ceiling height of five feet or less shall not be included in calculating the total floor area of that room.

Section 11: 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

\* \* \*

#### *Standards And Requirements For Vacation Rentals*

\* \* \*

#### § 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; based on (i) a minimum of 70 square feet per bedroom for one occupant, (ii) when there is more than one occupant per bedroom, a minimum of 50 square feet for each occupant, and (iii) an absolute maximum of four occupants per bedroom.

(3) A statement advising the occupant that the volume of noise any sound that crosses a property line at an generated at the Vacation Rental is limited by unreasonably loud volume is unlawful within the City; as per the City Noise Ordinance. A noise level detection device alerting the property owner/representative and tenant shall be installed in every Vacation Rental;

(4) A sketch of the location of the off-street parking spaces;

(5) The location, days and times of trash pickup, and notice that trash receptacles and the areas where trash receptacles are kept must be properly maintained at all times so as to protect the health, safety and welfare of the neighborhood;

(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.

\* \* \*

(C) In each Vacation Rental, located in the backyard and/or pool area, there shall be prominently posted notice that (i) unreasonably loud noise is prohibited, (ii) the City's noise ordinance must be fully complied with, and (iii) the property is monitored by a noise level detection device.

Section 12: That Section 119.37 of the Code of Ordinances is amended to read as follows:

## TITLE XI: BUSINESS REGULATIONS

\* \* \*

### CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

\* \* \*

#### *Standards and Requirements for Vacation Rentals*

\* \* \*

#### § 119.37 ADVERTISING.

The Vacation Rental shall not be advertised for any commercial or non-residential use, except that advertising the use of the premises as a Vacation Rental shall not be prohibited 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 13: That Section 119.38 of the Code of Ordinances is amended to read as follows:

## TITLE XI: BUSINESS REGULATIONS

\* \* \*

### CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

\* \* \*

#### *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, except that the use of the premises as a Vacation Rental shall not be deemed a prohibited commercial use including use of the property primarily as a party, event or entertainment venue or social hall. Specifically, it shall be unlawful to engage in any commercial or non-residential activity, such as, but not limited to, the following:

- (A) Use of the premises for the manufacturing, storing, distribution, or repair of any merchandise;
- (B) Allowing clients or customers of the tenant on the premises for the purpose of engaging in activities pursuant to their relationship with the tenant as clients or customers;
- (C) Use of the address of the premises for purposes of advertising the premises for a use other than its intended use as a Vacation Rental;
- (D) Allowing an employee of the tenant on the premises for the purpose of providing services to the tenant pursuant to the employment relationship between the tenant and the employee;
- (E) Posting or displaying a sign on the premises which indicates that the premises are being used for a use other than its intended use as a Vacation Rental; All signs that are allowed shall comply fully with Article 8 of the Zoning and Land Development Regulations of the City.
- (F) Charging an admission fee for access to the Vacation Rental or any portion of the Vacation Rental; and
- (G) Violation of any other code that regulates or prohibits commercial or non-residential uses.

The City shall deem any commercial or non-residential use or advertising for any commercial or non-residential use as a serious offense and shall seek the maximum penalties allowed by law.

\* \* \*

Section 14: That Section 119.56 of the Code of Ordinances is amended to read as follows:

## TITLE XI: BUSINESS REGULATIONS

\* \* \*

### CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

\* \* \*

### *Administration, Penalties, and Enforcement*

\* \* \*

#### § 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 15: That Section 119.58 of the Code of Ordinances is amended to read as follows:

## TITLE XI: BUSINESS REGULATIONS

\* \* \*

### CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

\* \* \*

#### *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, as well as all other means of enforcement of this chapter, may be issued to the property owner, the Vacation Rental representative, the tenant, or any combination of the three. In that regard, whenever two persons commit a violation, each violator shall be jointly and

severally liable for any fine assessed. This applies to situations where a property owner, Vacation Rental representative or tenant, or any combination of the three, are together responsible for a violation of this chapter.

\* \* \*

(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 12-month period. The suspension of a Vacation Rental license shall be for a period not to exceed of one 4 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.

If any finding or admission of guilt, regardless of adjudication, is for operating a Vacation Rental without a Vacation Rental license, each day shall be considered a separate violation and the amount of the fine for each day shall not exceed the greater of \$1,000.00 per day and the maximum amount allowed by law. If a second finding or admission of guilt is for operating without a license, the City Manager shall refuse to issue a Vacation Rental license for a period of one year from the date of the second finding or admission of guilt. 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) ~~A The City Manager shall revoke a Vacation Rental license issued under this chapter shall be revoked upon the second finding or admission of guilt, regardless of fifth 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 12 month period.~~

\* \* \*

(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 or advertising 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.



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 DISCONTINUING ISSUANCE OF CONDITIONAL LICENSES.

Section 16: 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 17: 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 18: 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 19: That the amendments to §119.10(A) set forth in Section 3 of this Ordinance shall be in full force and effect immediately upon its passage and adoption, and the remainder of this Ordinance shall be in full force and effect March 1, 2021.

Advertised \_\_\_\_\_, 2021.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
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