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2 **ORDINANCE NO. 23-012**
3

4 **AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF**
5 **BOYNTON BEACH, FLORIDA, AMENDING THE CITY OF BOYNTON**
6 **BEACH’S CODE OF ORDINANCES; CHAPTER 2 “ADMINISTRATION”,**
7 **ARTICLE V “CODE COMPLIANCE BOARD; SPECIAL MAGISTRATE”;**
8 **AMENDING CHAPTER 13, “LICENSES”, ARTICLE I “BUSINESS TAX**
9 **RECEIPTS AND CERTIFICATE OF USE AND OCCUPANCY”;** AMENDING
10 **CHAPTER 13, “LICENSES”, ARTICLE V “RENTAL DWELLING UNITS” TO**
11 **RENAME AND RENUMBER THE ARTICLE; PROVIDING FOR CONFLICTS,**
12 **SEVERABILITY, CODIFICATION; AND PROVIDING FOR AN EFFECTIVE**
13 **DATE.**

14 **WHEREAS**, these amendments to the City’s Code of Ordinances include the
15 reorganizing of Article I of Chapter 13 to consolidate existing sections applicable to residential
16 rental uses with the proposed new sections applicable to Short-Term Rentals (abbreviated STR)
17 within a new Article V; and

18 **WHEREAS**, the amendments consist of terms and definitions relative to both STRs and
19 the traditional/long-term residential rentals, the more expanded application requirements for
20 the STRs, technical or operational requirements, and a new compliance process to correspond
21 with regulating STRs; and

22 **WHEREAS**, the amendments also include a few amendments to sections in other
23 chapters and articles of the Code of Ordinances for connectivity and consistency purpose (e.g.
24 cross-references).

25 **WHEREAS**, the proposed regulations for STRs are intended to be consistent with the
26 limitations on local regulation of vacation rentals under Florida law; and

27 **WHEREAS**, having considered the recommendations of staff, the City Commission has
28 determined that it is in the best interest of the citizens and residents of the City of Boynton
29 Beach to approve the amendment to the City’s Code of Ordinances as contained herein.

30 **NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION FOR THE CITY OF**
31 **BOYNTON BEACH, FLORIDA, AS FOLLOWS:**

32 **Section 1.** The foregoing whereas clauses are true and correct and are now ratified
33 and confirmed by the City Commission.

34 **Section 2.** City of Boynton Beach’s Code of Ordinances, Chapter 2 “Administration”,
35 Article V, “Code Compliance Board; Special Magistrate” is hereby amended as follows:

36 **CHAPTER 2 ADMINISTRATION**

37 ...

38

39 **ARTICLE V. CODE COMPLIANCE BOARD; SPECIAL MAGISTRATE**

40 ...

41

42 **Sec. 2-85. Criteria for lien reduction.**

43 The following criteria must be complied with prior to a lien reduction hearing before the
44 Code Compliance Board or Special Magistrate (also see Chapter 13, Article V for exclusion to
45 fee reductions resulting from certain violations involving Short-Term Rentals):

46

47 (1) The property in question must be in total code compliance and an affidavit of
48 compliance must be issued for the code compliance case that is being appealed.

49

50 (2) The subject property must be free of all outstanding debts (including taxes) due the
51 city.

52 (3) An application fee of two hundred dollars (\$200.00) must be included for the
53 application to be processed.

54

55 (4) This section does not apply to lien waivers or reductions sought in conjunction with
56 redevelopment of commercial and residential properties pursuant to the provisions of
57 Section 2-93 of this Chapter.

58

59 ...

60

61 **Sec. 2-91. Violations and penalties.**

62

63 (a) The following table of violations and penalties shall be assessed by code enforcement
64 officers and shall be followed by the county court system as a special Magistrate pursuant to
65 section 2-82 of this Code, in its review and adjudication of matters in accordance with this
66 Article. The schedule of penalties set forth below is not intended to be all inclusive. The
67 penalty for violation of other codes or ordinances of the city heretofore or hereafter created
68 and not enumerated herein shall be enforced in the manner provided for therein.

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70 ...

71

72 (e) See Chapter 13, Article V for the declaration of irreparable or irreversible actions and
73 therefore application of the maximum fee of \$15,000 per violation resulting from certain
74 violations involving Short-Term Rentals.

75 ...

76

77 **Section 3.** City of Boynton Beach’s Code of Ordinances, Chapter 13 “Licenses”, Article
78 I, “Business Tax Receipts and Certificate of Use and Occupancy” is hereby amended as follows:

79 **CHAPTER 13. LICENSES**

80 ...

81 **ARTICLE I. BUSINESS TAX RECEIPTS AND CERTIFICATE OF USE AND OCCUPANCY**

82 ...

83 **Sec 13-4 Classification and fee schedule.**

84 ...

85 ~~Business Tax Receipts Procedure:~~

86 ~~—Every rental unit used for residential living purposes in the city must have a Certificate of~~
87 ~~Use and Occupancy and unless otherwise exempt, must be issued a Business Tax Receipt.~~
88 ~~This includes rental property four units or less, including single family residential rentals,~~
89 ~~condominiums, and mobile homes.~~

90 ~~—Business Tax Receipts are issued for a period of twelve months, from October 1st to the~~
91 ~~following September 30th. They must be renewed annually. To avoid renewal late fees, rental~~
92 ~~Business Tax Receipt fees are payable by October 1st. After January 30th, late renewals~~
93 ~~require a Code Compliance (interior and exterior) inspection of the property.~~

94 ~~—Whenever a rental property is sold or otherwise changes ownership, the new owner must~~
95 ~~do the following:~~

96 ~~—(1) Apply for a new Certificate of Use and Occupancy and rental Business Tax Receipt;~~

97 ~~—(2) Schedule an inspection of the rental with the Code Compliance Division.~~

98 ~~—If the inspection process should reveal Zoning, Building, Housing or Fire Code violations,~~
99 ~~they must be corrected and a re-inspection made by the appropriate department. The owner~~
100 ~~is given adequate time to correct any violations. All violations must be corrected before~~
101 ~~occupancy will be approved.~~

102 ~~—Any property that has been found in violation by a code compliance board of the city~~
103 ~~shall be required to be inspected after six (6) months from the date of the hearing, and again~~
104 ~~at twelve (12) months after the date of the hearing in which the property was found to be in~~
105 ~~violation.~~

106 ~~—The owner of a property that has been found to be in violation by a code compliance~~
107 ~~board of the city shall be required to pay an inspection fee of seventy-five dollars (\$75.00) for~~
108 ~~each of the inspections required. The required inspection fees shall be included as part of the~~
109 ~~administrative costs assessed by the city and shall be included in any liens filed by the city.~~

110 ~~—NOTE: Fees may change from time to time by Ordinance of the City Commission. The~~
111 ~~application for Certificate of Use and Occupancy and information forms for rental Business~~
112 ~~Tax Receipts are available on line at the city's website and at the Development Services~~
113 ~~Division of City Hall, 100 East Boynton Beach Boulevard. It should be noted that post office~~

114 boxes are not acceptable addresses for mailing purposes, and actual street addresses are
115 required on the application.

116 —~~Designation of resident agent: No Certificate of Use and Occupancy and Business Tax~~
117 ~~Receipt shall be issued by the city for a rental dwelling located on a rental premises unless~~
118 ~~the applicant therefor designates in writing to the city the name, address, and local telephone~~
119 ~~number of the owner or resident agent to receive service of notice of violation of this Code.~~
120 ~~The owner may designate as his or her resident agent any natural person eighteen (18) years~~
121 ~~of age or older who is customarily present at a business location within the city for the~~
122 ~~purposes of transacting business, or who actually resides within the city. An owner may~~
123 ~~change his or her designation of a resident by notifying the city in writing of the name,~~
124 ~~address, and local telephone number of the person designated by the owner to replace the~~
125 ~~previous resident agent. Any notice of violation or legal process which has been delivered or~~
126 ~~served upon the previous resident agent prior to the receipt of the city of notice of change of~~
127 ~~the resident agent shall be deemed effective service. It shall be the sole responsibility of the~~
128 ~~owner to appoint a reliable resident agent and to inform the resident agent of his correct~~
129 ~~mailing address. Failure to do so shall be no defense to a violation of this Code. No owner~~
130 ~~shall designate as a resident agent any person who does not expressly comply with the~~
131 ~~provisions of this section.~~

132 —~~The owner or the resident agent shall be deemed to be the “violator” as the term is used~~
133 ~~in F. S. § 162.06(2). Service of notice of the resident agent shall be deemed service of notice~~
134 ~~of the owner, tenant and violator.~~

135 **Sec. 13-5. Provision for unlisted businesses or occupations.**

136 All businesses must obtain a Certificate of Use and Occupancy prior to operating within the
137 city. The city may hereinafter classify and issue Business Tax Receipts for businesses or
138 occupations not specifically listed herein. The city shall establish a classification for new
139 businesses or occupations in accordance with the United States Standard Industrial
140 Classification of Establishments (SIC). The Business Tax Receipt tax established by the city for
141 any business not specifically listed herein shall be commensurate with the rate structure and
142 classifications set forth in Sec. [13-4](#), and shall be established by resolution of the City
143 Commission following application but prior to issuance of a Business Tax Receipt for the
144 unclassified business.

145 **~~Sec. 13-6 Administrative remedy to challenge classification or fee.~~**

146 —~~(a) Any person may protest the classification or fee applicable to that person provided:~~

147 —~~(1) The person has made and filed an application for the issuance of a Certificate of Use~~
148 ~~and Occupancy and a Business Tax Receipt in accordance with the procedures set forth~~
149 ~~herein, and~~

150 —~~(2) The person has paid the application fee, inspection fee or re-inspection fee, when~~
151 ~~applicable, and~~

152 ~~—(3) The person has received a Certificate of Use and Occupancy and paid the Business~~
153 ~~Tax Receipt fee requested by the city, and~~

154 ~~—(4) The Business Tax Receipt has been issued.~~

155 ~~—(b) A protest to a classification or fee shall be made in writing to the City Clerk within 30~~
156 ~~calendar days following issuance of the Business Tax Receipt. Failure to timely file a protest~~
157 ~~constitutes a waiver of protest and no further challenge may be made by that person until~~
158 ~~renewal of the Business Tax Receipt, in which case the right to protest shall be revived for an~~
159 ~~additional 30 days following issuance of a renewal Business Tax Receipt.~~

160 ~~—(c) A protest, when timely filed, shall be processed as follows:~~

161 ~~—(1) The City Clerk shall forward the protest to the City Manager.~~

162 ~~—(2) The City Manager shall conduct a review of the protest and render a written report~~
163 ~~within 45 days of the filing of the protest. The City Manager shall consider any information~~
164 ~~submitted by the person filing the protest and any information submitted by the~~
165 ~~Development Services Division. The City Manager shall limit her report to an evaluation of~~
166 ~~whether the tax which is being protested is based on a reasonable classification and is~~
167 ~~uniform throughout the class.~~

168 ~~—(3) The City Manager's report shall be filed with the City Clerk and submitted to the City~~
169 ~~Commission at the second meeting following filing of the report with the Clerk. A copy of the~~
170 ~~report shall be forwarded to person who filed the protest, along with a notice of the date on~~
171 ~~which the report is to be submitted to the City Commission.~~

172 ~~—(4) The City Commission shall review the protest and the City Managers report and shall~~
173 ~~either grant or deny the protest. If the protest is granted the City Commission shall adjust the~~
174 ~~classification or fee in accordance with their findings and any tax previously paid by the~~
175 ~~protesting person, in excess of the adjusted tax, shall be refunded by the city.~~

176 ~~—(5) A decision of the City Commission may be appealed to the Circuit Court of Palm~~
177 ~~Beach County, Florida. The Circuit Court review shall be de novo, and the burden of proof~~
178 ~~shall be on the person initiating the action.~~

179 ~~(Ord. No. 95-22, § 2, 7-5-95; Ord. No. 06-096, § 2, 1-2-07; Ord. No. 12-012, § 2, 7-3-12; Ord.~~
180 ~~No. 14-018, § 2, 9-3-14)~~

181 **Sec. 13-76. Application and reapplication fees for Certificate of Use and Occupancy,**
182 **inspections, and Business Tax Receipt; required for use of any property for commercial**
183 **or industrial purposes or for residential dwelling rental housing.**

184 ~~—(d) It shall be unlawful and a violation of the City Code for any person or entity, either~~
185 ~~directly or indirectly, to conduct or enter into a business, profession, or occupation, including~~
186 ~~the rental of real property, within the city without first obtaining a Certificate of Use and~~
187 ~~Occupancy and being issued a local business tax receipt by the city. Further, it is unlawful for~~
188 ~~a property owner to allow by lease, license, grant or other written or oral agreement, the use~~

189 of any real property for the operation of a business without a valid and current Certificate of
190 Use and Occupancy including required inspection and Local Business Tax Receipt. Violation
191 of this section is violation of the City Code punishable under Chapter 2, Article V of this Code.

192 (a) Prior to the issuance of a Business Tax Receipt, a person shall file an application for
193 Certificate of Use and Occupancy with the city. The application shall be on a form prescribed
194 by the city, and shall be filed together with such other documents as hereinafter set or as
195 required by state law. The Business Tax Receipt portion of the form shall require disclosure of
196 the Federal Identification Number or Social Security number of the person to be licensed.

197 (b) Each application for a Certificate of Use and Occupancy shall be accompanied by an
198 application filing fee set by the City Commission by resolution, which shall cover the
199 Certificate of Use and Occupancy review to be undertaken by city zoning, and building
200 division staff. Inspections for environmental, Utilities, Code, Fire, and other departments, shall
201 be determined by the proposed use, the applicant shall pay for such inspections at a rate set
202 by the City Commission by resolution. In the event an application is denied due to failed
203 inspections, the application may, upon payment of a re-inspection fee set by the City
204 Commission by resolution, be reconsidered. NOTE: Fees may change from time to time by
205 Ordinance of the City Commission. The application for Certificate of Use and Occupancy and
206 information forms for rental Business Tax Receipts are available on line at the city's website
207 and at the Development Services Division of City Hall.

208 (c) Business Tax Receipts and Certificate of Use and Occupancy are issued for a period of
209 twelve months, from October 1st to the following September 30th. They must be renewed
210 annually with annual renewal fee approved by the City Commission. To avoid renewal late
211 fees, fees are payable by October 1st. After January 30th, late renewals require a Code
212 Compliance (interior and exterior) inspection of the property. Certificate of Use and
213 Occupancy renewable each year with an annual renewal fee set by the City Commission by
214 resolution.

215 ~~(d) It shall be unlawful and a violation of the City Code for any person or entity, either~~
216 ~~directly or indirectly, to conduct or enter into a business, profession, or occupation, including~~
217 ~~the rental of real property, within the city without first obtaining a Certificate of Use and~~
218 ~~Occupancy and being issued a local business tax receipt by the city.~~

219 (ed) If the real property that is to be used for the operation of a business is subject to
220 unpaid city fines, fees or Code violation liens, the city shall not issue a Certificate of Use and
221 Occupancy or conduct a use and occupancy inspection until such time as all liens, fines or
222 fees on the property are fully paid, including interest due and any assessable costs and until
223 all Code violations are brought into compliance.

224 (fe) Local Responsible Party (LRP) required.

225 (1) Whenever any property is required to have a Certificate of Use and Occupancy under
226 this article, the owner shall designate in writing, on a form provided by the city, a local

227 responsible party for contact by city officials relating to the property. The owner shall also
228 provide a valid address and phone number for the ~~local responsible party~~ LRP.

229 (2) ~~The local responsible party LRP under this section must reside within Miami-Dade,~~
230 ~~Broward, Palm Beach, Martin or Indian River St. Lucie County. The property owner may be the~~
231 ~~designated LRP if they meet the requirements of this Article. The purpose of the locational~~
232 ~~standard is to ensure that the handling of matters requiring onsite presence of the LRP are~~
233 ~~attended to within approximately one (1) hour. Any owner who resides outside of Florida~~
234 ~~either at the time of applying for a Certificate Use and Occupancy or after having secured~~
235 ~~such certificate, shall designate a local responsible party that complies with the City Code.~~

236 (3) A ~~local responsible party~~ LRP shall have the authority to adequately and timely
237 respond to any Code compliance issues that may arise on the subject property and shall be
238 responsible for the care, custody, control and compliance of the rental property. The Local
239 Responsible Party may apply for a Certificate of Use and Occupancy, Business Tax Receipt,
240 and inspections on behalf of the owner.

241 (4) An owner shall notify the ~~Director of Development~~ Department in writing of any
242 change in the designation of the local responsible party within ten (10) business days of such
243 change.

244 (5) Failure to designate or engage a ~~local responsible party~~ LRP meeting the
245 requirements of this section shall be a violation of the City Code punishable under [Chapter 2,](#)
246 [Article V](#) of this Code.

247 ~~—(g) It is unlawful for a property owner to allow by lease, license, grant or other written or~~
248 ~~oral agreement, the use of any real property for the operation of a business without a valid~~
249 ~~and current Certificate Use and Occupancy including required inspection and Local Business~~
250 ~~Tax Receipt. Violation of this section is violation of the City Code punishable under [Chapter 2,](#)~~
251 ~~[Article V](#) of this Code. (hf) Only one (1) Certificate of Use and Occupancy shall be issued for~~
252 ~~each parcel of real property as described by the Palm Beach County Property Appraiser's~~
253 ~~Office through the provision of a property control number. Certificate of Use and Occupancy~~
254 ~~is not transferable.~~

255 (ig) All Certificate of Use and Occupancy applications are subject to inspection of the real
256 property being used for the operation of the business by the city. The Certificate Use and
257 Occupancy inspection charges shall be set by resolution of the city commission. If the
258 inspection process should reveal Zoning, Building, Housing or Fire Code violations, they must
259 be corrected and a re-inspection made by the appropriate department. All violations must be
260 corrected before approval of occupancy. If the owner of a dwelling does not reside at the
261 dwelling, and the dwelling is occupied by anyone, including a relative of the owner of the
262 dwelling, there is a presumption that the dwelling is being rented and must have a Certificate
263 of Use and Occupancy and a ~~Business Tax~~ Receipt. This presumption may be rebutted by
264 the owner of the dwelling applying for an exemption from the Certificate of Use and
265 Occupancy and ~~Business Tax~~ Receipt. The exemption application shall include an affidavit
266 of the owner that all persons residing at the dwelling are relatives of the owner and that

267 these relatives pay no rent or other consideration for the privilege of living at the dwelling
268 and that the relatives provide no maintenance or other services in return for the right to live
269 at the dwelling. The application fee for the exemption application shall be ~~approved~~^{set} by
270 ~~resolution of~~ the city commission and must be obtained every year.

271 (h) A Short-Term Rental approved by the City to operate as a residential rental prior to
272 the adoption of these regulations cannot be automatically renewed. A new application must
273 be filed and be reviewed and processed in accordance with all applicable requirements of
274 Article V as well as Article I of this Chapter.

275
276 **Sec. 13-67 Administrative remedy to challenge classification or fee.**

277 (a) Any person may protest the classification or fee applicable to that person provided:

278 (1) The person has ~~made and~~ filed an application for the issuance of a Certificate of Use
279 and Occupancy and a Business Tax Receipt in accordance with the procedures set forth
280 herein, and

281 (2) The person has paid the application fee, inspection fee or re-inspection fee, when
282 applicable, and

283 (3) The person has received a Certificate of Use and Occupancy and paid the Business
284 Tax Receipt fee requested by the city, and

285 (4) The Business Tax Receipt has been issued.

286 (b) A protest to a classification or fee shall be made in writing to the City
287 Clerk/Development Department within 30 calendar days following issuance of the Business
288 Tax Receipt. Failure to timely file a protest constitutes a waiver of protest and no further
289 challenge may be made by that person until renewal of the Business Tax Receipt, in which
290 case the right to protest shall be revived for an additional 30 days following issuance of a
291 renewal Business Tax Receipt.

292 (c) A protest, when ~~timely filed~~ filed timely, shall be processed as follows:

293 ~~(1) The City Clerk shall forward the protest to the City Manager.~~ (2) The Staff-City Manager
294 shall conduct a review of the protest and render a written report within 45 days of the filing
295 of the protest. ~~The City Manager shall consider any information submitted by the person~~
296 ~~filing the protest and any information submitted by the Development Services Division. The~~
297 ~~City Manager~~ Staff shall limit ~~her~~ the report to an evaluation of whether the tax which is being
298 protested is based on a reasonable classification and is uniform throughout the class.

299 (2) The staff/City Manager's report shall be forwarded/filed with the City Clerk and submitted
300 to the City Commission at the second meeting following completion/filing of the report with
301 the Clerk. A copy of the report shall be forwarded to person who filed the protest, along with
302 a notice of the date on which the report is to be heard/submitted to by the City Commission.

303 (3) The City Commission shall review the protest and the City Managers report and shall
304 either grant or deny the protest. If the protest is granted, the City Commission shall direct
305 staff to adjust the classification or fee consistent with applicable state and local procedural
306 requirements.in accordance with their findings Once the fee and/or classification are
307 adjusted, and any tax previously paid by the protesting person, in excess of the adjusted tax,
308 shall be refunded by the city.

309 (4) A decision of the City Commission may be appealed to the Circuit Court of Palm Beach
310 County, Florida. The Circuit Court review shall be de novo, and the burden of proof shall be
311 on the person initiating the action.

312 ...

313 Sec. 13-18. Right to deny issuance, renewal, transfer, revocation; right of appeal.

314 ...

315 (i) See Article V., Section 13-97 for suspension provisions, timeframes and restrictions.

316 ...

317 **ARTICLE V. RESIDENTIAL RENTALS HOUSING**

318 **Section 13-92. Purpose.**

319 The Purpose of this Article is to establish specific processing requirements and standards
320 applicable to the renting of residential properties. Such business activities are referred to as
321 Standard Residential Rentals and Short-Term Rentals (also known as vacation rentals). The
322 City Commission acknowledges the possible negative impacts of transitory uses of residential
323 properties on the character of, and quality of living in the community. Therefore, it is
324 necessary and in the interest of the public health, safety, and welfare to apply monitoring
325 requirements, operational standards, and revocation and violation penalties appropriate to
326 said uses to prevent and/or mitigate impacts created by such transitory uses of residential
327 property. It is the intent and purpose of such requirements to preserve the quiet nature and
328 atmosphere of residential areas as expected by the city's residents. It is unlawful for any
329 owner and/or operator of any property within the City to rent or operate Rental Housing
330 contrary to the procedures and regulations established or referenced in this Article as well
331 as Article I.

332 **Section 13-93. Definitions.**

333 For the purposes of this Article, the following definitions shall apply:

334 **Standard Residential Rental.** Standard Residential units that are not rented for less
335 than (30) days (or one (1) calendar month) for more than three (3) times in a calendar
336 year. Such residential rentals are therefore not classified as Short-Term Rental as also

337 defined and regulated by this Article. This typically represents the principal residence of
338 the occupant(s).

339 ***Short-Term Rental (STR).*** A Short-Term Rental, also called a vacation rental and a Public
340 Lodging Establishment in Florida Statutes, is any unit or group of units in a condominium or
341 cooperative or any individually or collectively owned single-family, two-family, three-
342 family, or four-family dwelling unit or structure that is advertised and/or rented to transient
343 occupants more than three (3) times in a calendar year for periods of less than thirty (30)
344 days or one (1) calendar month.

345 ***Transient Occupant.*** Any person who rents or occupies any dwelling unit or any part
346 thereof, as its temporary or secondary residence, that meets the definition of a Short-
347 Term Rental Unit.

348
349 ***Overnight.*** For the purposes of this subsection, "overnight" shall mean a period between
350 10:00 p.m. and 7 a.m. the following day;

351
352 **Section 13-94. Application for Standard Residential Rental and Short-Term Rental**
353 **Approval and Renewal.**

354 No property owner, responsible party, or peer-to-peer platform entity shall offer as a Rental
355 or allow any person to rent or occupy such properties, any property in whole or in part within
356 the City, unless a Certificate of Use and Occupancy and Business Tax Receipt has been
357 obtained in accordance with the procedures and requirements of Article I of this Chapter. If
358 any conflict exists between the requirements in this Section and other sections in this Article
359 or other articles and Chapters of the Land Development Regulations, the requirements of this
360 Article shall prevail. This includes single-family dwellings (attached and detached), two-family
361 dwellings, individual multi-family dwellings including condominiums, and mobile homes.

362 **The approval requirements are as follows:**

363 (a) Submittal of a complete and separate application for each unit subject to the
364 requirements of this article;

365
366 (b) Payment of non-refundable application fees for an STR as follows (see Section 13-
367 4 of this chapter for other residential rental fees);

368 (1) Initial application fee (includes first City inspection): \$525.00

369 (2) Renewal application fee (includes first City inspection): \$325.00

370 (3) Reinspection fee: \$100.00

371

372 (c) Submittal of an affidavit of compliance with all requirements herein endorsed by
373 both the property owner and Local Responsible Party;

374

375 (d) Annual renewal of the approval in accordance with the requirements of this
376 Article and Article I, except that where a discrepancy exists in any procedural
377 requirement, the requirements of this Article shall prevail;

378

379 (e) Submittal of a detailed, neatly drawn and legible sketch of the rental property
380 including floor plan and site plan indicating but not limited to number of and size of
381 bedrooms, swimming pool and required safety barrier, storage areas for waste and
382 any recreational vehicles, parking spaces marked and measured to indicate
383 compliance with minimum requirements;

384

385 (f) A new application is required when any of the following changes are proposed
386 to an approved application:

387 (1) A change in the gross square footage;

388 (2) A change in the number of bedrooms;

389 (3) A change in the maximum occupancy;

390 (4) A change in the number and/or location of parking spaces; and

391 (5) A change in ownership of the property.

392

393 Upon completion of the changes or alterations to the property the owner shall notify
394 the city within ten (10) days of completion. A new Certificate of Use and
395 Occupancy/Business Tax Receipt may be issued if the conditions of this Section have
396 been met and all required permits have been issued for the changes or alterations.
397 Additional fees may apply in accordance with Section 13-4 of this chapter.

398 (g) A STR approved by the City to operate as a residential rental prior to the adoption of
399 these regulations cannot be automatically renewed. A new application must be filed
400 and be reviewed and processed in accordance with all applicable requirements of this
401 Article as well as Article I.

402

403 (f)(h) The application for an STR shall include a fully executed agreement with the City of
404 Boynton Beach authorizing police officers to issue trespass warnings on behalf of the
405 property owner.

406

407 **Section 13-95. Technical and Operational Requirements and Restrictions Applicable to**
408 **both Standard Residential Rentals and Short-Term Rentals.**

409 (a) Minimum Life/Safety Requirements:

410 (1) A swimming pool, spa or hot tub shall comply with the current standards of the
411 Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes.

412 (2) All dwelling units shall meet the current minimum requirements of the Florida
413 Building Code.

414 (3) A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be
415 installed, inspected and maintained in accordance with NFPA 10 on each
416 floor/level of the unit. The extinguisher(s) shall be installed on the wall in an
417 open common area or in an enclosed space with appropriate markings visibly
418 showing the location.

419 (b) At all times all automobiles shall be parked in an approved off-street parking space
420 or driveway on the property. The parking of automobiles on a swale, lawn, landscape
421 area, within the public right-of-way or sidewalk is prohibited. An exception for
422 parking in the right-of-way will be made when spaces are marked for on-street
423 parking. However, no parking in the right-of-way is permitted over-night. For a
424 description of over-night hours, see subparagraph (b)(2) below.

425 (c) Solid waste handling and containment. Waste handling shall adhere to the
426 requirements of Chapter 10, Article II, of the Code of Ordinances.

427 (d) To benefit the safety of, and maximize compliance with rules and standards by the
428 tenants, the rental unit shall include a posting of information clearly visible to the
429 tenants.

430 (e) Whole unit rental required. Rentals shall be leased as a whole to a guest or guest
431 party. In no event may an individual sleeping room be offered for rent.

432 (f) Noise. All registered guests and other occupants shall abide by noise standards in
433 Chapter 15, Article I, which are intended to prevent, prohibit and provide for the
434 abatement of excessive and unnecessary noise that may injure the health or welfare
435 or degrade the quality of life of the citizens and residents of the City of Boynton
436 Beach.

437 (g) Rental property must be maintained in compliance with all applicable standards
438 contained with the Code of Ordinances and the Land Development Code of the City
439 of Boynton Beach.

440 (h) It is unlawful for Rental Housing to be occupied by a sexual offender or sexual
441

442 predator if so determined pursuant to Chapter 15, Article X of the Code of
443 Ordinances.

444 (i) It shall be unlawful for any person to obtain a Business Tax Receipt for another
445 business while the property is approved for any unit subject to this Article. Therefore,
446 no one shall engage in any commercial or non-residential activity at a rental. Such
447 commercial and/or non-residential activities includes, but is not limited to, use of the
448 rental for manufacturing, storing, distribution, or repair of merchandise; allowing
449 employees, clients, or customers on the premises for the purpose of engaging in
450 activities as clients or customers; use of the address of the premises for purposes of
451 advertising the premises other than its intended use as rental housing; posting or
452 displaying signs on the premises which indicates the premises are being used for a
453 use other than its intended use as rental housing; and any violation of the code that
454 prohibits commercial or nonresidential uses.

455 (j) There shall be posted at a prominent location near the required landline telephone
456 for the occupants the following information:

457 (1) The property address;

458 (2) Contact information for Local Responsible Party include name, address, phone
459 number, and email address;

460 (3) The maximum occupancy of the unit, differentiating between registered guests
461 and visitors;

462 (4) The maximum number of approved vehicles, and a copy of the detail site plan
463 showing approved location of parking spaces;

464 (5) The location of the nearest hospital and police station including the 911
465 emergency number and non-emergency number;

466 (6) A legible copy of the rental Certificate of Use & Occupancy; and

467 (7) A legible copy of this Chapter.

468
469 **Section 13-96. Technical and Operational Requirements and Restrictions Only**
470 **Applicable to Short-Term Rentals.**

471
472 (a) Maximum occupancy:

473 (1) Overnight occupancy at any rental unit shall be limited to two (2) persons per
474 sleeping room plus two persons, up to a maximum of ten (10) persons in a unit,
475 and maintain compliance with the occupancy limitations located within Chapter

476 10, Article IX, Section 10-57. The number of sleeping rooms, minimum size of
477 sleeping rooms and/or maximum guests will be confirmed by a City inspector;

478 (2) The maximum number of individuals allowed to gather at a STR shall not exceed
479 one and one-half (1 ½) times the maximum occupants registered at the property,
480 as shown on the Certificate of Use and Occupancy, and in no event shall a
481 gathering exceed 15 persons, regardless of the number of bedrooms;

482 (3) The tabulation of maximum occupancy limits in this subsection shall exclude a
483 maximum of four (4) persons under the age of 10;

484 (4) When any registered guest at a STR is under the age of 21, there must be
485 present at all times a registered guest at least 25 years old; and

486 (5) Notwithstanding the occupancy limits set in this subsection, the total occupancy
487 shall be reduced and set at an amount determined by the Building Official
488 and/or Fire Marshal.

489 (b) Local telephone service. At least one (1) landline telephone with the ability to call
490 911 shall be available in the main level common area in the STR with the unit
491 address posted prominently next to the landline telephone.

492 (c) Emergency lighting. Hard wired emergency lighting shall be installed at the primary
493 ingress and egress of each inhabitable structure on the STR property.

494 (d) Performance of Local Responsible Party. In addition to the requirements of Chapter
495 13, Article I, the Local Responsible Party shall be responsible for ensuring
496 compliance with all requirements and standards related to the Short-Term Rental, as
497 well as the following:

498 (1) Posting of the occupant information as required by this Article;
499 (2) Receiving service of any violation of this Chapter;
500 (3) Visiting the rental dwelling unit as least weekly to ensure continued compliance
501 with the requirements of this Chapter;
502 (4) Acting as the designated contact for responding to complaints made by
503 neighbors against the rental tenants;

504 (e) Advertising. Any advertising of the STR shall conform to information included in the
505 Certificate of Use and Occupancy, particularly as this pertains to maximum
506 occupancy. Reference to the approved Certificate of Use and Occupancy shall be
507 included in all advertising. Additionally, the property owner or designated
508 representative of the STR shall have a continuing obligation to provide to the City all
509 venues and websites in which the unit is listed.

510 (f) Annual renewal of the STR requires the passing of a new inspection by City staff.

511 (g) A fully executed agreement with the City of Boynton Beach authorizing police
512 officers to issue trespass warnings on behalf of the property owner.

513
514 **Section 13-97. Penalties, Offenses, and Suspension.**

515 The processing of violations against this Chapter is in accordance with Part II, Code of
516 Ordinances, Chapter 2, Article V. However, based on the purpose statement within Section
517 13-90, the following requirements applicable to Short-Term Rentals also apply, which will
518 prevail if in conflict with Section 13-90 or other Chapters of the Code of Ordinances:

519 (a) Enforcement of the Code and Ordinances; Penalties.

520 (1) Any certificate of use issued pursuant to this Section may be denied,
521 revoked, or suspended by the Development Director or his/her designee upon
522 the adjudication of a violation of this Section, any City ordinance, or state law by
523 the responsible party, property owner or transient occupant attributable to the
524 property for which the certificate of use is issued. Such denial, revocation or
525 suspension is in addition to any penalty provided herein.

526 (b) Offenses/violations.

527 (1) Non-compliance with any provision of this Section shall constitute a violation of
528 this Section.

529 (2) Separate violations. Each day a violation exists shall constitute a separate and
530 distinct violation, except that violations regarding maximum occupancy, shall
531 constitute a single violation for a rental period.

532 (c) Remedies/enforcement.

533 (1) The Community Standards Division will act in accordance with Chapter 2, Article
534 V of the Code of Ordinances. However, any such fines imposed pursuant to
535 this Section shall not be subject to reduction by the Special Magistrate.

536 (2) The City Commission of the City of Boynton Beach hereby declares maximum
537 occupancy violations and nonresidential and commercial use of property
538 violations of this Code to be irreparable or irreversible in nature and therefore,
539 the Special Magistrate of the City of Boynton Beach shall have the authority
540 to issue fines up to \$15,000 per violation.

541 (3) Additional remedies. Nothing contained herein shall prevent the City from
542 seeking all other available remedies which may include, but not be limited to,
543 suspension or revocation of a STR Certificate of Use and Occupancy/Business
544 Tax Receipt, injunctive relief, liens and other civil and criminal penalties
545 provided by law, as well as referral to other enforcing agencies.

546 (d) Suspension. In addition to any fines and any other remedies described herein or
547 provided for by law, Development Director or his/her designee may suspend a STR
548 Certificate of Use and Occupancy/Business Tax Receipt in accordance with the
549 following:

550 (1) Suspension time frames (for violations occurring within 12 consecutive months):

551 a. Upon a second violation of this Section – up to a period of thirty (30)
552 calendar days.

553 b. Upon a third violation of this Section – up to a period of one hundred
554 eighty (180) calendar days.

555 c. Upon a fourth violation of this Section – up to a period of three hundred
556 sixty-five (365) calendar days.

557 d. For each additional violation of this Section – an additional thirty (30)
558 calendar days (i.e. a total of 395 days).

559 e. A short-term rental Certificate of Use and Occupancy shall be subject to
560 temporary suspension beginning five (5) working days after a citation or
561 notice of violation is issued for a violation of the Florida Building Code,
562 or Florida Fire Prevention Code. Such suspension shall remain in place
563 until the STR is re-inspected and it is determined by the City that the
564 violation no longer exists.

565

566 (2) Suspension restrictions. A STR shall not be rented during any period of
567 suspension.

568 a. The suspension shall begin immediately following notice of suspension,
569 commencing either:

570 1 at the end of the current rental lease period; or

571 2 within thirty (30) calendar days, whichever date commences
572 earlier, or as otherwise determined by the special magistrate.

573

574 b. Operation during any period of suspension shall be deemed a violation
575 pursuant to this Section and shall be subject to daily fine, up to one
576 thousand dollars (\$1,000.00) or to the maximum amount as otherwise
577 provided in Florida Statutes for repeat violations, for each day that the
578 rental operates during a period of violation.
579

580 c. An application for a renewal shall not submitted during the period of
581 suspension.

582 (3) Appeal. All appeals of suspensions shall be to the Special Magistrate in
583 accordance with Chapter 2, Article V of the Code of Ordinances.

584
585 (e) Revocation. A STR Certificate of Use and Occupancy/Business Tax Receipt may be
586 revoked when more than two of the violations occur within 12 consecutive months
587 that involve the maximum persons standards, the lack of presence of a supervising
588 adult, or advertising/promoting the STR inconsistent with rules and standards of this
589 Article. Revocation action can also be taken by the City for a single offense involving
590 a felony or misdemeanor charge, if the action occurred on the subject property, and
591 resulted in injury to an occupant or a visitor to the property, or involved a drug-
592 related charge. All appeals of revocations shall be to the Special Magistrate in
593 accordance with Chapter 2, Article V of the Code of Ordinances.

594 (f) Enforcement. The provisions of this Section shall be enforced as provided in
595 Chapter 2, Article V of the Code of Ordinances.

596

597 **Section 4.** City of Boynton Beach’s Code of Ordinances, Chapter 13 “Licenses”, Article V,
598 “Rental Dwelling Units shall be renumbered and renamed as follows:

599

600 **ARTICLE VI. RENTAL DWELLING UNITS RESIDENTIAL NOTICE AND TENANT’S BILL OF**
601 **RIGHTS**

602

603 **DIVISION 1. APPLICABILITY AND DEFINITIONS**

604

605 **Sec. 13-928. Title.**

606 ...

607

608 **Sec. 13-939. Applicability.**

609 ...

610

611 **Sec. 13-94100. Definitions.**

612 ...

613

614 **DIVISION 2. RENTAL NOTICES**

615

616 **Sec. 13-95101. Required written notice of termination of monthly residential tenancy**
617 **without specific duration.**

618 ...

619

620 **Sec. 13-96102. Required written notice of rental payment increases for residential**
621 **tenancies.**

622 ...

623

624 **DIVISION 3. TENANT' S BILL OF RIGHTS AND NOTICE OF LATE FEES**

625

626 **Sec. 13-97103. Tenant's Bill of Rights; Landlord Notice Requirements.**

627 ...

628

629 **Sec. 13-98104. Late Fee Notices; Landlord Requirements.**

630 ...

631

632 **DIVISION 4. ENFORCEMENT**

633

634 **Sec. 13-99105. Enforcement.**

635

636 **Section 5.** Each and every other provision of the City's Code of Ordinances not herein
637 specifically amended, shall remain in full force and effect as originally adopted.

638 **Section 6.** All laws and ordinances applying to the City of Boynton Beach in conflict with
639 any provisions of this ordinance are hereby repealed.

640 **Section 7.** Should any section or provision of this Ordinance or any portion thereof be
641 declared by a court of competent jurisdiction to be invalid, such decision shall not affect the
642 remainder of this Ordinance.

643 **Section 8.** Authority is hereby given to codify this Ordinance.

644 **Section 9.** This Ordinance shall become effective immediately upon second reading.

645 FIRST READING this 6th day of June, 2023.

646

647 (REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

648

649 SECOND, FINAL READING AND PASSAGE this ____ day of June, 2023.

650

651 CITY OF BOYNTON BEACH, FLORIDA

652 YES NO

653

654 Mayor – Ty Penserga _____

655

656 Vice Mayor – Thomas Turkin _____

657

658 Commissioner – Angela Cruz _____

659

660 Commissioner – Woodrow L. Hay _____

661

662 Commissioner – Aimee Kelley _____

663

664 VOTE _____

665 ATTEST:

666

667

668 _____
669 Maylee De Jesús, MPA, MMC
670 City Clerk

671

672

673 (Corporate Seal)

674

675

676

677

678

Ty Penserga
Mayor

APPROVED AS TO FORM:

Michael D. Cirullo, Jr.
City Attorney