

ORDINANCE NO. 2025-XX

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING SECTION 19.1.4 “APPLICATION FOR VACATION RENTAL LICENSE OF CHAPTER 19 “VACATION RENTAL LICENSE PROGRAM, OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE TO REQUIRE AN FIRE PROTECTION AND LIFE SAFETY INSPECTION BY THE MIAMI-DADE FIRE RESCUE DEPARTMENT AS A CONDITION OF OBTAINING A VACATION RENTAL LICENSE; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER’S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 4.03 of the Village Charter of the Village of Biscayne Park (“Village”) empowers the Village Commission to adopt, amend, or repeal such ordinances as may be required for the proper governing of the Village; and

WHEREAS, Chapter 19 of the Code of Ordinances (the “Code”) of the Village governs issuance of Vacation Rental Licenses and the regulation of the operation of a vacation rental to ensure that they comply with standards of public health, safety, and welfare; and

WHEREAS, Village Code Section 19.1.4(b)(8) requires a vacation rental applicant acknowledge that “each habitable room shall be equipped with an approved listed single-station smoke and carbon monoxide detectors meeting the minimum requirements of the NFPA”; and

WHEREAS, the Florida Administrative Code (“F.A.C.”) 69A-43.018 requires one and two family dwellings licensed as Public Lodging Establishments as defined in Section 509.013(4)(a), Florida Statutes to maintain specific fire protection and life safety requirements, which include:

- a. Approved single station or multiple station smoke detectors continuously powered by the house electrical system.
- b. Approved single station smoke detector powered by the building electrical system shall be provided in each sleeping room.
- c. A minimum of one primary exit and one secondary means of escape.
 - i. The primary means of exit shall be a door, stairway, or ramp providing a means of unobstructed exit travel to the outside of the dwelling, recreational vehicle or mobile home, at street or ground level.
 - ii. The secondary means of escape shall be one of the following:
 - (1) A door, stairway or ramp providing a way of unobstructed exit travel to the outside of the dwelling at street or ground level that is independent of and remote from the primary means of exit; or

(2) An outside window or door operable from the inside, without the use of tools or special equipment, that provides a clear opening having a minimum of 5.7 square feet of area with no dimension less than 20 inches in width or 24 inches in height. The bottom of the opening shall not be more than 44 inches off the floor. The opening must be directly accessible to fire department rescue apparatus or fire department extension ladder.

d. Battery powered emergency lighting for a period of not less than one (1) hour to illuminate the primary exit. The emergency lighting shall provide illumination automatically in the event of any interruption of normal lighting.

e. A minimum acceptable portable fire extinguisher.

f. A floor diagram reflecting the actual floor arrangement, primary exit location, secondary exit location and room identification shall be posted in a conspicuous location.

g. A fire safety information pamphlet describing evacuation of the dwelling or vehicle, smoke detector information, procedures for reporting a fire or other emergency shall be provided to guests; and

WHEREAS, the Village registration and regulation of these short term single room or hosted rentals is necessary to promote public health, safety, and welfare; and

WHEREAS, Miami-Dade Fire Rescue Department will perform the fire protection and life safety inspections on behalf of the Village to ensure that the vacation rental units are in compliance with F.A.C. 69A-43.018; and

WHEREAS, the Village commission finds that the fire protection and life safety inspections are vital to the public health welfare and safety of the resident of and visitors to the Village.

NOW, THEREFORE, BE ORDAINED BY THE VILLAGE OF BISCAYNE PARK, FLORIDA AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

Section 2. Amendments to the Code of Ordinances. Chapter 19 of the Code of Ordinances of the Village of Biscayne Park, Florida is hereby amended to read as follows:

CHAPTER 19 – VACATION RENTAL LICENSE PROGRAM

Section 19.1.4 Application for vacation rental license.

(b)(8) ~~Acknowledgement that each habitable room shall be equipped with an approved listed single-station smoke and carbon monoxide detectors meeting the minimum requirements of the NFPA.~~
Provide proof that the vacation rental unit was inspected by the Miami-Dade Fire Rescue Department and found to be in compliance with Florida Administrative Code 69A-43.018.

Section 3. Inclusion in the Code & Scrivener's Errors. The Village Commission intends that the provisions of this Ordinance be made a part of the Biscayne Park Code, and that sections herein may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish codification; regardless, typographical errors that do not affect intent may be corrected with notice to and authorization of the Village Manager without further process.

Section 4. Conflicts. Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive shall apply.

Section 5. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

Section 6. Effective Date. This Ordinance shall become effective upon adoption by the Village Commission.

PASSED AND ADOPTED upon first reading this ____ day _____ 2025.

PASSED AND ADOPTED upon second reading this ____ day of _____ 2025.

The foregoing Ordinance was Offered by _____, who moved its adoption. The motion was seconded by _____ and upon being put to a vote the vote was as follows:

Mayor Groth:	_____
Vice-Mayor Samaria:	_____
Commissioner Amsler:	_____
Commissioner Gonzalez:	_____
Commissioner Huntington:	_____

VILLAGE OF BISCAYNE PARK

Jonathan E. Groth
Mayor

ATTEST:

Pamela L. Latimore
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

Bradley H. Weissman
Village Attorney