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## AGENDA ITEM

TO: Town Council

FROM: James Harpring, Town Manager

DATE: February 5, 2026

SUBJECT: Ordinance No. 587 – Short Term Vacation Rental Enforcement

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### **BACKGROUND:**

Ordinance No. 587 amends administrative provisions related to enforcement of violations of the Short-Term Vacation Rental ordinance. The administrative process for enforcement and appeal of violations of the Short-Term Vacation Rental ordinance will be addressed by the Special Magistrate.

### **RECOMMENDATION:**

Adopt Ordinance No. 587 on First Reading.

### **ATTACHMENTS:**

1. Ordinance No. 587 – Amendment to Section 161.12 (E) Enforcement

**ORDINANCE NO. 587**

**AN ORDINANCE RELATING TO SHORT TERM VACATION RENTALS, AMENDING SECTION 161.12 – SHORT TERM VACATION RENTALS (E) ENFORCEMENT OF THE CODE OF ORDINANCES OF THE TOWN OF INDIAN RIVER SHORES, PROVIDING FOR APPLICABILITY AND INCLUSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR A BUSINESS IMPACT ESTIMATE; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Indian River Shores regulates Short-Term Vacation Rentals under Section 161.12, Code of Ordinances; and

**WHEREAS**, The Town of Indian River Shores has found it necessary to amend Section 161.12 (E) Enforcement to reflect current enforcement and appeal procedures for violations of the ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, THAT:**

**Section 1. Revisions**

Sec. 161.12. - Short-term vacation rentals.

(E) Enforcement.

~~(2) Matters relating to public health and safety including illegal commercial use, noise, parking violations, sanitation issues, and number of persons on site shall be by the Public Safety Department or by the Town Building Department. A written warning of violation shall be first given and if the violation continues or is repeated, then a notice of violation shall be issued which shall be enforced by referral to the Town Code Enforcement Board.~~

~~(3) (2) A first violation of this section, upon referral to the Code Enforcement Board, shall result in a fine levied by the Code Enforcement Board of up to \$250 per day of violation. A subsequent violation shall result in a fine of up to \$500 a day for each day of violation.~~

~~(4) (3) In addition to any other remedy available to the Town, the Town or any adversely affected party may enforce this section in law or equity. Any citizen of the Town may seek injunctive relief to prevent a violation of this section.~~

(4) Failure to come into compliance will result in referral to the Special Magistrate for enforcement purposes.

(5) If an alleged violator chooses to contest the fine and/or violation, the alleged violator can request a Special Magistrate Hearing through notification to the Town Manager.

## **Section 2. Business Impact Statement.**

Pursuant to Section 166.04 (4), Florida Statutes, the Town is required to prepare a business impact estimate for this proposed ordinance.

- (A) The purpose of Ordinance No. 587 is to safeguard the public health, safety and welfare of the residents of the Town by regulating and enforcing the administrative provisions for short-term vacation rentals. There is no direct economic on private, for-profit businesses in the municipality by this proposed ordinance. Any economic impact would be the result of a violation of the ordinance. The fines associated with this ordinance have already been established. The ordinance identifies that administrative mechanism for enforcement and does not increase any existing fine structure.
- (B) The fines associated with this ordinance have already been established. The ordinance amends the administrative mechanism for enforcement from a code enforcement board to a special magistrate. It does not increase any existing fine structure.
- (C) There are currently 9 short term vacation rental properties registered to operate within the Town of Indian River Shores.
- (D) There is no estimate available as to the impact nor would one be required based on the nature of the change of the ordinance. As noted in sections (A), and (B), the ordinance is intended to amend the administrative mechanism for enforcement from a code enforcement board to a special magistrate.

## **Section 3. Severability**

In the event that any portion of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such a decision shall in no matter affect the remaining portions of sections of this Ordinance which shall remain in full force and effect.

## **Section 4. Effectivity**

This Ordinance shall take effect as provided by state law within ten (10) days of adoption.

1<sup>st</sup> Reading: February 17, 2026

Published: March 8, 2026

2<sup>nd</sup> Reading: March 26, 2026

I HEREBY CERTIFY that the foregoing Ordinance was approved by the Town Council of the Town of Indian River Shores, Florida, upon second and final reading this 26<sup>th</sup> day of March, 2026.

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Brian T. Foley, Mayor

Attest:

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Janice C. Rutan, Town Clerk