

ORDINANCE NO. O-7-26

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 18. – BUSINESSES, OCCUPATIONS AND PROFESSIONS; ARTICLE IV. – VACATION RENTALS; REVISING THE DEFINITION OF VACATION RENTAL; AMENDING THE APPLICATION PROCESS TO REDUCE NUMBER OF SUBMITTAL DOCUMENTS REQUIRED; REQUIRING THE POSTING OF THE ASSOCIATED TOWN OF PALM BEACH SHORES PERMIT NUMBER; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 18 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE; A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Article VIII, Section 2(b) of the Florida Constitution and section 166.021, Florida Statutes, grant municipalities broad home-rule authority to enact legislation for valid municipal purposes, except where expressly prohibited or preempted by law; and

WHEREAS, section 509.242(1)(c), Florida Statutes, classifies certain condominium units, cooperative units, and residential dwelling units operated as transient public lodging establishments as vacation rentals; and

WHEREAS, vacation rentals involve the recurring use of residential dwelling units to provide temporary lodging to transient guests for periods of less than thirty (30) days or one calendar month regardless of the number of units within the dwelling structure; and

WHEREAS, the Town Commission has determined that all vacation rental units within the Town must comply with the vacation rental permitting requirements and that codification of these regulations within the Town code is in the best interests of the citizens of the Town of Palm Beach Shores.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:

Section 1: The foregoing recitals are hereby adopted as the legislative findings of the Town Commission and are hereby made a part of this ordinance as if they were fully stated in this section.

Section 2: Chapter 18 – Businesses, Occupations, and Professions, of the Code of

Ordinances of the Town of Palm Beach Shores is hereby amended at Article IV. – Vacation Rentals. Section 18-52 shall hereafter read as follows:

Sec. 18-52. Vacation rental defined; permit required.

A vacation rental means any housing unit which is also a transient public lodging establishment but that is not a timeshare project that is rented out to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods less than thirty (30) days or one (1) calendar month, whichever is less. ~~is a transient public lodging establishment comprised of 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 that is also a transient public lodging establishment but that is not a timeshare project. A transient public lodging establishment is any such unit which is rented out to guests more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out the public as a place regularly rented to guests for periods less than 30 days or one calendar month, whichever is less.~~

It shall be unlawful for any person or entity to operate a vacation rental within the town, or offer such property for rent as a vacation rental within the town, unless the person or entity has registered such property with the town by obtaining a vacation rental permit in accordance with the requirements of this article. Separate permits are required for each individual vacation rental unit. All vacation rental permits shall be renewed annually and shall be considered delinquent if not renewed by September 30 of each year. Vacation rental permits are separate and distinct requirements in addition to business tax receipts and certificates of use.

Section 3: Chapter 18 – Businesses, Occupations, and Professions, of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Article IV. – Vacation Rentals. Section 18-53 shall hereafter read as follows:

Sec. 18-53. - Vacation rental permit application.

Every vacation rental owner or operator shall register with the town by submitting to the building department a completed vacation rental permit application in a form promulgated by the town, together with registration and inspection fees in amounts established by resolution of the town commission, which amounts may be amended from time to time. A separate permit application form with separate registration and inspection fees shall be required for each vacation rental unit.

(1) *Permit application.* A complete vacation rental permit application form shall include the following:

~~a. Property card printout from the county property appraiser database;~~

~~ba.~~ Current transient public lodging establishment license issued by the Florida department of business and professional regulation;

~~eb.~~ Current certificate of registration with the Florida department of revenue for remittance of applicable state taxes, or proof that payment is arranged through a third party such as an on-line platform;

~~ec.~~ Current palm beach county business tax receipt;

~~ed.~~ Evidence of the vacation rental's current and active account with the county tax collector for the purpose of collecting and remitting tourist development taxes and any other taxes required by law to be remitted to the county tax collector;

~~fe.~~ Total number of sleeping rooms at the vacation rental unit; maximum number of guests that can stay overnight at the vacation rental unit at any one time (maximum occupancy is eight in four or more sleeping rooms);

~~g. Reserved;~~

~~h. Homeowners or property owners association approval to operate the vacation rental unit, if applicable;~~

~~if.~~ Floorplan of the vacation rental unit which includes stairways, hallways, bedrooms, exists, and which identifies all fire extinguisher locations;

j. Site survey which includes the residential unit, any swimming pools, hot tubs, spas, and fencing;

~~k. A copy of a sample lease agreement;~~

l. A completed vacation rental responsible party designation, in the format prescribed by the town, which includes the information required by [section 18-54](#) of this Code;

m. Proof that the vacation rental has satisfied the inspection requirements contained in [section 18-56](#) of this Code; and

(2) *Modification of permit.* An application for modification of a vacation rental permit shall be required in the event that any of the following changes to the vacation rental are proposed:

a. An increase in the gross square footage;

b. An increase in the number of bedrooms;

c. An increase in the maximum occupancy;

d. An increase in the number of parking spaces, or a change in the location of parking spaces;

e. An increase in the number of bathrooms;

f. Any other material modifications that would increase the intensity of use on the vacation rental property; or

g. A change in responsible party.

(3) *Duration of permit.* A vacation rental permit issued under this article shall expire each September 30 and may be annually renewed thereafter if the property is in compliance with this article.

(4) *Renewal of permit.* A vacation rental permit ~~renewal~~ may be renewed beginning July 1 of each year and shall be completed by September 30 of each year, through a renewal application the execution of a renewal affidavit, in the format prescribed by the town, and the payment of the renewal fee as established by the town. Any renewal application submitted after September 30 of each year shall be subject to a late fee as established by the Town. Late renewal applications will not be accepted after December 31 at which point the applicant must submit an entirely new application. A property owner may apply for renewal of a vacation rental permit beginning July 1 prior to the expiration of the annual license.

(5) *Incomplete permit application/renewal.* If the permit application or renewal form submitted pursuant to this article is incomplete, the applicant shall be informed of such deficiency within 15 business days and shall have ten calendar days to correct the deficiency. If any deficiency is not so corrected, the permit application shall be deemed withdrawn; however, the applicant may thereafter re-apply with a new application that corrects the deficiencies.

(6) *Outstanding code violations.* The town shall not process any vacation rental registration or renewal if the property has unresolved code violations or code enforcement liens.

(7) *Non-transferability and non-assignability of permit.* Vacation rental permits issued under this article are non-transferrable and non-assignable. If the ownership of any vacation rental property is sold or otherwise transferred, the new owner is required to apply for new permits.

(8) *Permit application or renewal fees.* The town charges reasonable administrative fees to process a vacation rental permit application or renewal, the amount of which shall be established by resolution of the town commission. Fees are non-refundable.

(9) *False or misleading information.* It shall be unlawful for any person to give false or misleading information in connection with any application for, modification, or renewal of a vacation rental permit as required by this article. Vacation rental permit applications shall be sworn to under penalty of perjury. Any false statements made in an application shall be a basis for the revocation of any permit issued pursuant to such application.

Section 4: Chapter 18 – Businesses, Occupations, and Professions, of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Article IV. – Vacation Rentals. Section 18-55 shall hereafter read as follows:

Sec. 18-55. - Vacation rental standards.

No person or entity shall own or operate a vacation rental within the town unless such vacation rental complies with the following standards:

(1) Minimum life/safety requirements.

a. *Swimming pool, spa and hot tub safety.* A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, as set forth in F.S. ch. 515.

b. *Smoke and carbon monoxide (CO) detection and notification system.* Each vacation rental unit must be outfitted with an operational smoke and carbon monoxide (CO) detection notification system. Every smoke and carbon monoxide (CO) detection notification system must be hard-wired, or have a sealed ten-year battery. A smoke alarm shall be installed in each sleeping room. A carbon monoxide alarm shall be installed outside each sleeping room and adjacent to the garage door. All smoke and carbon monoxide alarms shall be interconnected.

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

d. *Local telephone service.* At least one dedicated telephone with the ability to call 911 shall be available in the main level common area in the vacation rental.

e. *Secondary means of escape.* Every sleeping room and living area shall have a secondary means of escape. It shall be a minimum of one doorway or one window directly to the exterior. The window shall have a clear opening compliance with the following:

1. Clear width shall be no less than 20 inches;
2. Clear height shall be no less than 24 inches;
3. Opening shall be no less than 5.7 square feet; and
4. Opening shall be no more than 44 inches above the floor.

(2) *Maximum occupancy.* Each vacation rental dwelling unit shall comply with [section 14-266](#) "Occupancy Limitations" of the Town's Code of Ordinances, provided however that the maximum number of transient occupants authorized to stay overnight at any vacation rental unit shall be limited to two persons per sleeping room, with a maximum total occupancy of eight individuals in four or more sleeping rooms. The number of sleeping rooms shall be confirmed by onsite inspection by a representative of the town, and

(3) *Solid waste handling and containment.* Solid waste and recycling collection services shall be provided pursuant to [chapter 38](#), of the Town Code of Ordinances. For purposes of this section, a solid waste or recycling container shall not be placed at curbside before the day prior

to solid waste pickup, and each solid waste or recycling container shall be removed from curbside before midnight of the day of pickup.

(4) *Designation of responsible party.* Each vacation rental owner or operator shall designate a responsible party capable of meeting the duties provided in section 18-54.

(5) *Rental or lease agreement requirements.*

a. There shall be a written or online lease, rental, tenant or other recorded agreement memorializing each vacation rental tenancy between the owner/operator or its responsible party and the occupant(s). The agreement shall, at a minimum, contain the following information:

1. The maximum number of occupants for the unit as specified in subsection (2) above;
 2. The number of parking spaces associated with the vacation rental property or dwelling unit, if applicable, and a sketch or photograph showing the location of such spaces;
 3. The names and ages of all persons who will be occupying the property or unit;
 4. The dates of such occupancy; and
 5. A statement that all occupants must evacuate from the vacation rental following any evacuation order issued by local, state or federal authorities.
- b. The town reserves the right to request and receive a copy of any vacation rental lease or rental agreement from the owner/operator or responsible party at any time.

(6) *Vacation rental unit posting requirements.*

a. The vacation rental unit shall be posted with the following information next to the main entrance door:

1. The name, address and telephone number of the vacation rental responsible party;
 2. The maximum occupancy permitted;
 3. The days and times of solid waste and recycling pick up and a notification that all garbage or trash must be placed in a garbage or trash can or other approved solid waste receptacle and that all recyclables must be placed in approved recyclable containers;
 4. The location of the nearest hospital; and
 5. The location of designated parking spaces/areas, if applicable.
- b. There shall also be posted, next to the interior door of each bedroom, a building evacuation map (at least 8 ½ inches by 11 inches).

c. Any advertisements which hold out the vacation rental unit to the public as a place for rent must include the associated Town vacation rental unit permit number.

(7) *Other regulations.* Vacation rentals must comply with all other regulations, standards and requirements set forth in the Town Code of Ordinances, including, but not limited to, the requirements of chapter 6 (alcoholic beverages), chapter 10 (animals), chapter 14 (buildings and building regulations), chapter 42 (nuisances, including noise regulations), chapter 70 (traffic and vehicles), chapter 74 (utilities), chapter 78 (vegetation), chapter 82 (waterways), and Appendix A zoning ordinance.

Section 3: Each and every other section and subsection of Chapter 18. Businesses, Occupations, and Professions shall remain in full force and effect as previously adopted.

Section 4: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 5: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 6: Specific authority is hereby granted to codify this Ordinance.

Section 7: This Ordinance shall take effect immediately upon adoption.

FIRST READING this ____ day of _____, 2026.

SECOND AND FINAL READING this ____ day of _____, 2026.

TOWN OF PALM BEACH SHORES

Tracy Larcher, Mayor

ATTEST:

Karen Hancsak, Town Clerk (Seal)

Approved as to form and legal sufficiency.

Keith Davis, Town Attorney