

1
2
3 **ORDINANCE NO. O-2018-005**

4 **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND**
5 **PARK, FLORIDA, AMENDING CHAPTER 7 OF THE CITY'S CODE OF**
6 **ORDINANCES ENTITLED "LICENSES AND BUSINESS REGULATIONS"**
7 **BYCREATING ARTICLE XII TO BE ENTITLED "VACATION RENTALS"**
8 **CREATING SECTION 7-152; CREATING SECTION 7-152 PROVIDING A**
9 **GENERAL FRAMEWORK FOR THE REGULATION OF VACATION**
10 **RENTALS; MAKING FINDINGS OF FACTS; PROVIDING FOR**
11 **ENFORCEMENT; CREATING SECTION 7-153 REQUIRING VACATION**
12 **RENTAL REGISTRATION; PROVIDING REQUIREMENTS FOR**
13 **REGISTRATIONS; REQUIRING INSPECTION; SPECIFYING DUTIES OF**
14 **VACATION RENTAL OWNERS AND ALLOWING AGENTS; CREATING**
15 **SECTION 7-154 TO PROVIDE FOR MAXIMUM OCCUPANCY AND**
16 **GRANDFATHERING OF OCCUPANCY; REQUIRING RENTAL**
17 **AGREEMENT PROVISIONS AND POSTINGS; CREATING SECTION 7-155**
18 **PROVIDING FOR EXEMPTIONS; PROVIDING FOR SEVERABILITY;**
19 **PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION;**
20 **PROVIDING FOR AN EFFECTIVE DATE.**

21 **WHEREAS**, Section 509.013, Florida Statutes, provides a distinction between
22 "transient public lodging establishments," which are rented, or advertised or held out for
23 rental to guests more than three times in a calendar year for periods of less than 30 days
24 or 1 calendar month, whichever is less; and "non-transient public lodging
25 establishments," which are rented, or advertised or held out for rental to guests for
26 periods of at least 30 days or 1 calendar month, whichever is less.

27
28 **WHEREAS**, Section 509.242(1)(c), Florida Statutes, further provides for a
29 subset of transient public lodging establishments, called "vacation rental" which is any
30 unit or group of units in a condominium or cooperative or any individually or collectively
31 owned single-family, two-family, three-family or four-family house or dwelling unit that
32 is also a transient public lodging establishment, but that is not a timeshare project.

33
34 **WHEREAS**, It is the intent of this Chapter to regulate vacation rentals as defined
35 by Florida Statutes, as well as other transient public lodging establishments that do not
36 have on-site management, which are located in the single family residential dwelling
37 zoning district of the City of Oakland Park, which is referred to herein as "Vacation
38 Rentals".

39
40 **WHEREAS**, In 2014, the Florida Legislature passed Senate Bill 356 (Chapter
41 2014-71, Laws of Florida), amending that same statute to read "[a] local law, ordinance,
42 or regulation may not prohibit vacation rentals, or regulate the duration or frequency of
43 rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or
44 regulation adopted on or before June 1, 2011."

45
46
47 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF**
48 **THE CITY OF OAKLAND PARK, FLORIDA, AS FOLLOWS:**

49
50 **SECTION 1.** The above referenced “Whereas” clauses are true and correct and made a
51 part hereof.
52

53
54 **SECTION 2.** Chapter 7 of the City’s Code of Ordinances entitled “Licenses and
55 Business Regulations” is amended to create Article XII to be entitled “Vacation Rentals”
56 to read as follows:
57

58
59 **SECTION 7-52. VACATION RENTALS**
60

61 **1. Authority, Scope and Purpose.** This section is enacted under the home rule
62 power of the City of Oakland Park in the interest of the health, peace, safety and general
63 welfare.
64

65
66 This section does not prohibit Vacation Rentals, or the duration or frequency of Vacation
67 Rentals, nor is it the intention of the City of Oakland Park to do so, but rather this section
68 is intended to address life safety and compatibility concerns in the interests of the health,
69 peace, safety, and general welfare.
70

71
72 **(a). Findings of Facts**
73

74 Based on information gleaned from the practical first-hand experience and
75 observations of City Commissioners, common sense deductions of City Commissioners
76 based on long term experiences in the City of Oakland Park, information learned by City
77 Commissioners from various residents, information from the U.S. Census and on the
78 Short-Term Rental Housing Restrictions White Paper, prepared by Robinson & Cole,
79 Attorneys at Law, in 2011, prepared for the National Association of Realtors®, the City
80 Commission finds:
81

82 (1) Residents residing within their residential dwellings are inherently
83 familiar with the local surroundings, local weather disturbances, local hurricane
84 evacuation plans, and means of egress from their residential dwellings, thereby
85 minimizing potential risks to themselves and their families.
86
87
88

89 (2) In contrast, transient occupants of Vacation Rentals, due to their transient
90 nature, are typically not familiar with local surroundings, local weather disturbances,
91 local hurricane evacuation plans, and means of egress from the Vacation Rentals in
92 which they are staying, thereby increasing potential risks to themselves and their
93 families, and putting an additional burden on, and potentially putting at risk, emergency
94 personnel in the event of an emergency situation.

95
96 (3) Vacation Rentals, left unregulated, can create negative impacts within a
97 residential neighborhood due to excessive noise, parking and traffic problems, excessive
98 use and impact on public services and public works, extreme size and/or greater
99 occupancy.

100
101 (4) Vacation Rentals situated within a residential neighborhood can disturb
102 the quiet nature and atmosphere of the residential neighborhood, and the quiet enjoyment
103 of its residents.

104
105 (5) Vacation Rentals located within established residential neighborhoods
106 can create negative compatibility impacts relating to extreme noise levels, late night
107 activities, on-street parking issues and traffic congestion.

108
109 (6) According to the 2010 U.S. Census, the City of Oakland Park has an
110 average household size of 2.35persons.

111
112 (7) According to the 2010 U.S. Census, the City of Oakland Park has an
113 average family size of 3.10 persons.

114
115 (8) Vacation Rentals situated in a single-family residential neighborhood can
116 and do create a great disparity in occupancy.

117
118 (9) The presence of on-site management militates against the negative
119 impacts of Vacation Rentals.

120
121 **(b). Definitions**

122
123 The following terms as used in this section are defined as set forth hereinafter:

124
125 “Agent” shall mean the person the owner assigns who will be responsible for ensuring
126 compliance with all regulations related to vacation rentals; and will be available to
127 respond 24 hours per day, 7 days per week to any issue that arises relating to the vacation
128 rental. The agent may be, but need not be, the property owner or tenant. The owner
129 cannot defer responsibility of compliance to its agent.

130
131 “Bedroom” means any room in a Vacation Rental which has a bed or other place for
132 sleeping and a separate closet that is an integral part of the permanent construction within

133 the bedroom or an ensuite bathroom, and complies with the Florida Fire Code and Florida
134 Life Safety Code as a bedroom, but shall not include a bathroom, a kitchen, a dining
135 room, or any main living area. If a room has been added, altered, or converted without
136 any required building permit having been granted, such room shall not be deemed a
137 bedroom.

138

139 “Occupant” means any person who occupies a Vacation Rental overnight.

140

141 “On-site management” means an office located at the site of a transient public lodging
142 establishment that has, no less than eight (8) hours per day, seven (7) days a week, a
143 person or persons physically present on site for purposes of supplying management,
144 rental, and/or maintenance services for that particular transient public lodging
145 establishment, and, when the office is closed, has a person who is available upon one
146 hour’s phone notice to return to the transient public lodging establishment to supply
147 management or maintenance services.

148

149 “Owner occupied” means the Vacation Rental is then occupied by person(s), at the
150 Vacation Rental Owner’s consent, who do not pay rent for the occupancy of the Vacation
151 Rental, when such persons are members of the family of the Vacation Rental Owner.
152 Family shall be defined as any number of individuals related by blood, marriage or legal
153 adoption, and not more than four persons not so related, living together as a single
154 housekeeping unit. Foster children are considered part of a family. Owner Occupied
155 shall also mean a Vacation Rental occupied by the owner of the property who rents out
156 other bedrooms while occupying the residence at the same time.

157

158 “Peer-to-peer or platform entity” shall mean any person, service, business, company,
159 marketplace, or other entity that provides property owners, tenants and agents a platform
160 or means to offer vacation rentals to occupants, whether through the internet or other
161 means.

162

163 “Transient public lodging establishments” means any unit, group of units, dwelling,
164 building, or group of buildings within a single complex of buildings which is rented to
165 guests more than three times in a calendar year for periods of less than 30 days or 1
166 calendar month, whichever is less, or which is advertised or held out to the public as a
167 place regularly rented to guests.

168

169 “Vacation Rental” is collectively a vacation rental as defined under Florida Statutes, and
170 any transient public lodging establishment that does not have on-site management, which
171 is located in the single family residential dwelling zoning districts of the City of Oakland
172 Park.

173

174 “Vacation Rental Owner” is the fee simple owner of the Vacation Rental, whether an
175 individual, partnership, corporation, limited liability company, trust, or other entity. In
176 the event the Vacation Rental Owner is not an individual, each and every person who

owns 20% or more of the equitable interest in the Vacation Rental shall also be deemed a Vacation Rental Owner. The duties and functions of a Vacation Rental Owner may, at the option of the Vacation Rental Owner, be performed by an agent of the Vacation Rental Owner, so long as the Vacation Rental Owner notifies the City in writing, on a form provided by the City, of the identity and contact information of such agent, and the specific duties that the agent will be performing for the Vacation Rental Owner. The Vacation Rental Owner may change the designation of agent at any time through the filing of a new form and the payment of an administrative fee in an amount as set by resolution by the City Commission. The Vacation Rental Owner shall be held responsible for all actions of such designated agent with respect to the applicable Vacation Rental.

(c). Enforcement.

Violations of the provisions of the Code of Ordinances relative to Vacation Rentals shall be enforced in accordance with the provisions of Chapter 24 Article XVII of the Code of Ordinances, and through fines in accordance with ordinances and resolutions adopted by the City Commission.

(d). Appeals.

Any decision of the Special Master shall be final and shall be rendered in writing in appealable form. Such final decision may be reviewed as permitted under Florida law.

(e). Construction of section.

This section shall be liberally construed to accomplish its purpose of regulating Vacation Rentals, protecting the residential character of Oakland Park, the health, safety, and general welfare of its residents and visitors, and the quiet enjoyment by Oakland Park's residents of their residential property.

Section 3. Chapter 7 of the City's Code of Ordinances entitled "Licenses and Business Regulations" is amended to create Article XII to be entitled "Vacation Rentals", subsection 7-153, to read as follows:

SECTION 7-53. VACATION RENTAL REGISTRATION

1. Registration required.

Prior to the initiation of operating as a Vacation Rental and prior to January 1st for each

subsequent year, a Vacation Rental Owner, either personally or through an agent, shall register with the City of Oakland Park utilizing forms promulgated by the City. The City may extend the date that such registration is required by notice on the City's website. A separate registration shall be required for each Vacation Rental. The operation of a Vacation Rental without registration after the date registration is required shall be a violation of this ordinance, except in the instance of providing accommodations to fulfil a pre-existing contract as provided hereinafter. Every day of such operation without registration shall constitute a separate violation.

(a) A Vacation Rental Owner or agent, as applicable, registering a Vacation Rental with the City shall submit to the City a completed registration form, utilizing a form promulgated by the City, together with a registration fee in the amount set by resolution of the City Commission.

(b) A registration form shall include the following submittals:

- (1) A completed Vacation Rental Registration form.
- (2) Payment of applicable fee.
- (3) A copy of the Vacation Rental's current with the Florida Department of Business and Professional Regulation, if the registrant is required to have such license by the State of Florida.
- (4) A copy of the Vacation Rental's current and active certificate of registration with the Florida Department of Revenue for the purposes of collecting and remitting sales surtaxes, transient rental taxes, and any other taxes required by law to be remitted to the Florida Department of Revenue or proof of agreement with the Florida Department of Revenue to collect and remit the sales surtaxes, transient rental taxes, and any other taxes required by state law to the Florida Department of Revenue through a peer-to-peer-platform.
- (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 or proof of agreement 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 through a peer-to-peer platform.

(6) Exterior site sketch. An exterior sketch of the Vacation Rental facility shall be provided. The sketch shall show and identify all structures, pools, spas, hot tubs, fencing, and uses, including areas provided for off-street parking. For purposes of the sketch, off-street parking spaces shall be delineated so as to enable a fixed count of the number of spaces provided. At the option of the Vacation Rental Owner, such sketch may be hand drawn, and need not be professionally prepared.

(7) Interior building sketch by floor. A building sketch by floor shall be provided, showing a floor layout identifying all bedrooms, other rooms, exits, hallways, stairways, as applicable. At the option of the Vacation Rental Owner, such sketch may be hand drawn, and need not be professionally prepared.

(8) Delineate number of bedrooms intended for use during rental.

(9) Provide a list of all advertising locations which the Vacation Rental is advertised as a Vacation Rental.

(c) If a registration form is incomplete, the registrant will be notified of the deficiency, and be allowed ten (10) days to provide any missing information or fees.

2. Modification of Vacation Rental Registration.

An amendment of a Vacation Rental Registration shall be required in the event that any of the following changes to the Vacation Rental are proposed:

a) An increase in the number of bedrooms in the Vacation Rental.

b) An increase in the maximum occupancy of the Vacation Rental.

c) An increase or decrease in the number of parking spaces, or a change in the location of parking spaces for the Vacation Rental.

3. Duration of Vacation Rental Registration.

A Vacation Rental Registration shall be valid for one (1) year after the date of

309 registration.

310

311

312 **4. Renewal of Vacation Rental Registration.**

313

314 A Vacation Rental Owner must renew its registration annually prior to the
315 expiration date of the previous Vacation Rental Registration.

316

317 **5. Inspection of Vacation Rentals.**

318

319 (a) Inspection of a Vacation Rental to verify compliance with the Florida
320 Building Code, and the Florida Fire and Life Safety Codes, which governed at
321 the time of completion of the subject construction, shall be required subsequent
322 to the initial registration of the Vacation Rental, and annually after each renewal.
323 If instances of noncompliance are found, all such instances of noncompliance
324 shall be handled as other violations of the Florida Building Code and Florida Fire
325 and Life Safety Codes are otherwise handled in the City. These requirements will
326 not be imposed so as to affect contracts that pre-exist the effective date of this
327 Ordinance.

328

329

330 (b) Annual inspections shall be made by the City through appointment with
331 the Vacation Rental Owner or agent, as applicable. If a City inspector has made
332 an appointment with Vacation Rental Owner or agent, as applicable, for an
333 inspection, and the City inspector is unable to complete the inspection as a result
334 of an action or inaction of the Vacation Rental Owner or agent, or an occupant
335 of the Vacation Rental, the Vacation Rental Owner shall be charged a "re-
336 inspection" fee in an amount set by resolution of the City Commission to cover
337 the inspection expense incurred. The re-inspection fee shall be paid prior to
338 scheduling the re-inspection. In addition, failure of a Vacation Rental Owner or
339 agent, as applicable, to make the Vacation Rental available for an inspection
340 within twenty (20) days after notification by the City in writing that the City is
341 ready to conduct the annual inspection, shall be a violation of the Code of
342 Ordinances punishable by a fine as may be determined by the Special Master.
343 Such violation shall continue until the inspection is accomplished. Each day that
344 such violation continues shall be a separate violation.

345

346

347

348 **6. Transfer of Vacation Rental Registration**

349

350 Vacation Rental Registrations are not transferable. Within thirty (30) days from the date
351 of the sale or transfer the new owner is required to file for a Vacation Rental application.

352

353 **7. Vested Rights/Waiver/Estoppel**

354
355 A Vacation Rental Registration shall not be construed to establish any vested rights or
356 entitle the registered Vacation Rental to any rights under the theory of estoppel. A
357 Vacation Rental Registration shall not be construed as a waiver of any other requirements
358 contained within the City of Oakland Park City Code or Comprehensive Plan, and is not
359 an approval of any other code requirement outside this section. The registration of a
360 Vacation Rental is not an approval of a use or activity that would otherwise be illegal
361 under Florida law, the Florida Building Code, the Florida Fire Code or Life Safety Code,
362 or in violation of the Oakland Park City Code or Comprehensive Plan.

363
364
365 **8. Duties of Vacation Rental Owner.**

366
367 Every Vacation Rental Owner or agent, as applicable, shall be available by landline or
368 mobile telephone answered by the Vacation Rental Owner or agent at the listed phone
369 number 24-hours a day, seven days a week to respond to police, fire or other emergency
370 personnel requests. Otherwise, response to contact by the City's regulatory personnel
371 shall be required only Monday through Saturday, 9am to 5pm. Failure of the Vacation
372 Rental Owner or agent, as applicable, to fulfil this duty, shall be a violation of this
373 ordinance which shall be punished by fine as set by resolution of the City Commission.

374
375 **Section 4.** Chapter 7 of the City's Code of Ordinances entitled "Licenses and
376 Business Regulations" is amended to create Article XII to be entitled "Vacation Rentals",
377 subsection 7-154, to read as follows:

378
379 **SECTION 7-54 . STANDARDS AND REQUIREMENTS FOR VACATION**
380 **RENTALS**

381
382 The standards and requirements set forth in this section shall apply to the rental,
383 use, and occupancy of Vacation Rentals in the City of Oakland Park.

384
385 **1. Minimum safety and operational requirements.**

386
387 (a) Vacation Rentals in the City of Oakland Park shall meet the applicable
388 standards under the Florida Statutes, Florida Building Code and the Florida
389 Fire Code and Life Safety Code, and each Vacation Rental shall have at least
390 one landline telephone with the ability to call 911.

391
392 (b) Smoke and carbon monoxide (CO) detection system pursuant to the
393 requirements of Section R314, Smoke Alarms, and Section R315, Carbon
394 Monoxide Alarms, of the Florida Building Code Residential, as amended.

395
396 **2. Maximum occupancy based on site capacity / limitations / grandfathering.**

- 397
398 (a) The maximum occupancy of a Vacation Rental shall be stated in the Vacation
399 Rental registration form, and shall be limited to the lesser of:
400
401 (1) Two persons per bedroom that contains one hundred (100) square feet or
402 more, (counting only those rooms that meet the definition of bedroom
403 herein), plus one person per bedroom that contains no less than seventy
404 (70) square feet, but less than one hundred (100) square feet, (counting
405 only those rooms that meet the definition of bedroom herein), plus two
406 persons.
407
408 (2) A total of eight (8) occupants per Vacation Rental. In the event there is
409 more than one building or dwelling on one platted lot, the maximum
410 occupancy shall be capped at eight (8) occupants per lot or structure,
411 whichever is less.
412
413 (b) The maximum occupancy restriction as set forth above shall not apply when
414 the property is Owner occupied by the Vacation Rental Owner.
415
416 (c) Notwithstanding the above, a Vacation Rental that was used as a Vacation
417 Rental as of the effective date of this ordinance may apply for the status of
418 grandfathered for a period of five (5) years, as to occupancy limitations, and
419 may cap its occupancy based upon the following criteria and procedures.
420 Vacation Rentals that have an occupancy of eight (8) or less as determined
421 according to this section will not require grandfathering to maintain that
422 occupancy. Vacation rentals requesting to be grandfathered shall provide
423 proof of public lodging license from the State of Florida as of the effective
424 date of this Ordinance. Such license may not be transferred from one place or
425 individual to another.
426
427 (1) A grandfathered Vacation Rental shall have its maximum occupancy
428 based upon two persons per bedroom (each bedroom must meet the
429 definition of bedroom herein) at the time of application for grandfather
430 status. A change in the number of bedrooms at the Vacation Rental shall
431 cause such Vacation Rental to lose its grandfathered status.
432
433 (2) The Vacation Rental Owner, or agent, as applicable, ("Grandfathering
434 Applicant"), shall complete a Grandfathering Application as prescribed by
435 the City, which shall be submitted under oath and upon penalty of perjury,
436 and provide verifiable written proof of the number of bedrooms as herein
437 defined in the Vacation Rental and proof of public lodging license from
438 the State of Florida prior to effective date of this Ordinance.
439

- 440 (3) The Grandfathering Application and supporting proof shall be submitted
441 to City for review by City staff, and such staff shall make a written
442 determination as to the proof of State license and the maximum occupancy
443 of such grandfathered Vacation Rental.
444
- 445 (4) If the City staff fails to confirm the requested occupancy level or State
446 license, the City of Oakland Park shall notify the Grandfathering Applicant
447 of that fact, and the occupancy level that can be approved, in writing.
448 Within twenty (20) days after such notice, an evidentiary hearing may be
449 requested by the Grandfather Applicant before the Special Magistrate to
450 provide the Grandfathering Applicant an opportunity to provide evidence
451 and/or testimony in support of the occupancy requested and proof of
452 license. A determination by the Special Magistrate after such evidentiary
453 hearing shall be final. If no hearing is requested during that time period,
454 the occupancy level shall be set at the level determined by the City staff
455 upon initial review.
456
- 457 (5) An application for grandfathering shall be submitted, if at all, by no later
458 than the time of registration of the Vacation Rental, but not later than three
459 (3) months after adoption of the subject ordinance. If the City extends the
460 date that registration is required, the deadline for the application for
461 grandfathering shall also be extended to the same extended date. If a
462 Vacation Rental has been registered, but a final determination as to the
463 occupancy level based upon grandfathering has not yet been made, such
464 Vacation Rental may allow occupancy up to the occupancy requested in
465 the grandfathering application until such time as a final determination as
466 to occupancy has been made.
467
- 468 (6) If it is reasonably determined by the City staff that any information
469 supplied to the City of Oakland Park in support of an application for
470 grandfathering was intentionally false or fraudulent, the person supplying
471 the false or fraudulent information shall be subject to a fine as set by the
472 City Commission by resolution. If there is such a determination by City
473 staff, the City of Oakland Park shall notify the Grandfathering Applicant
474 of that fact, and within twenty (20) days after such notice, an evidentiary
475 hearing may be requested by the Grandfathering Applicant before the
476 Special Magistrate to provide the Grandfathering Applicant an opportunity
477 to provide evidence and/or testimony to show that the information
478 supplied in support of the application for grandfathering was not
479 intentionally false or fraudulent. The determination by the Special
480 Magistrate after such evidentiary hearing shall be final. If no hearing is
481 requested during that time period, the initial determination by the City staff
482 shall be final.
483

(7) If a Vacation Rental registration does not exist as to a Vacation Rental for a period in excess of thirteen (13) months, any grandfathering determination shall be deemed abandoned, and shall no longer be applicable to that Vacation Rental.

3. Vacation Rental agreements – minimum provisions.

Vacation Rentals shall be rented, leased or occupied pursuant to a written rental agreement which contains, at a minimum, the following information:

(a) Maximum occupancy of the Vacation Rental that is consistent with the Vacation Rental Registration.

(b) The maximum number of vehicles that will be allowed to park at the Vacation Rental. Such number of vehicles shall not exceed the number of parking spaces located at the Vacation Rental as shown in the sketch submitted with the Vacation Rental registration, plus any other legal parking spaces that the Vacation Rental Owner can show are available to the Vacation Rental.

(c) A statement that a sketch of the permitted off-street parking locations where Occupants may park according to the Vacation Rental Registration sketch and any other legal parking spaces available to the Vacation Rental will be posted at the Vacation Rental.

(d) A statement that all Occupants must promptly evacuate from the Vacation Rental upon posting of any evacuation order issued by state or local authorities.

(e) A copy of a document to be supplied by the City which includes excerpts from City of Oakland Park ordinance provisions of general application relevant to Vacation Rentals to include solid waste pick-up regulations as specified by resolution of the City, as a lease addendum. The City will make available to Vacation Rental Owners and agents a copy of such document in digital format upon request, and the City will post such document on its website.

4. Required providing of Vacation Rental and local information - posting.

(a) In each Vacation Rental, there shall be provided, in a prominent location, the following written information:

(1) The name, address and phone number of the Vacation Rental Owner or agent, as applicable.

528 (2) The maximum occupancy of the Vacation Rental.
529
530 (3) A copy of a document to be supplied by the City which includes excerpts
531 from City of Oakland Park ordinance provisions of general application
532 relevant to Vacation Rentals to include solid waste pick-up regulations as
533 specified by resolution of the City, as a lease addendum. The City will
534 make available to Vacation Rental Owners and agents a copy of such
535 document in digital format upon request, and the City will post such
536 document on its website.
537
538 (4) The maximum number of vehicles that can be parked at the Vacation
539 Rental, along with a sketch of the location of the off-street parking spaces.
540
541 (5) The days and times of trash pickup.
542
543 (6) The location of the nearest hospital.
544
545
546 (b) There shall be posted, next to the interior door of each bedroom a legible copy of
547 a building evacuation map – Minimum 8-1/2" by 11".
548
549 **Section 5.** Chapter 7 of the City’s Code of Ordinances entitled “Licenses and
550 Business Regulations” is amended to create Article XII to be entitled “Vacation Rentals”,
551 subsection 7-155, to read as follows:
552
553 **SECTION 7-55. EXEMPTIONS**
554
555 **Exemption for pre-existing rental agreements**
556
557 Notwithstanding any other provision of this ordinance, rental agreements with
558 prospective Occupants for Vacations Rentals that were pre-existing as of the enactment
559 of this Ordinance, (hereinafter “Pre-existing Agreements”) are exempt from the
560 provisions of this ordinance.
561
562 If a Vacation Rental is cited for a violation of the provisions herein, (that would not be a
563 violation if it were not for this section), when the Vacation Rental is occupied under the
564 terms of a Pre-existing Agreement, the Vacation Rental Owner may defend such
565 violation based on the fact that the Vacation Rental was exempt from the Code of
566 Ordinances due to it being occupied pursuant to a Pre-existing Agreement. Such defense
567 shall be determined based upon the following information, and upon any additional
568 information supplied by the Vacation Rental Owner or otherwise determined by the fact
569 finder:
570

- 571 1. Copy of deposit or payment information evidencing that the agreement was a Pre-
572 existing Agreement.
573 2. Copy of e-mail or other communication evidencing a binding Pre-existing
574 agreement.
575 3. Information from the Occupant confirming that there was a binding agreement in a
576 time-frame to make the agreement as Pre-existing Agreement under this section.
577

578 If it is reasonably determined by the City staff, and confirmed by the City's Special
579 Magistrate that any information supplied to the City of Oakland Park in support of an
580 application for exemption, or in support of a defense based upon Pre-existing Agreement,
581 was intentionally false or fraudulent, the person supplying the false or fraudulent
582 information shall be subject to a fine as set by the City Commission by resolution.
583

584 **SECTION 6.** If any clause, section or other part of this Ordinance shall be held
585 by any Court of competent jurisdiction to be unconstitutional or invalid, such
586 unconstitutional or invalid part shall be considered as eliminated and in no way affecting
587 the validity of the other provisions of this Ordinance.
588

589
590 **SECTION 7.** All Ordinances or parts of Ordinances in conflict herewith are
591 hereby repealed to the extent of such conflicts.
592

593 **SECTION 8.** It is the intention of the City Commission of the City of Oakland
594 Park, that the provisions of this Ordinance shall become and be made a part of the Code
595 of Ordinances of the City of Oakland Park, Florida, and the Sections of this ordinance
596 may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section,"
597 "Article," or such other word or phrase in order to accomplish such intention.
598

599 **SECTION 9.** This Ordinance shall be effective upon its passage and adoption
600 by the City Commission of the City of Oakland Park.
601

602
603
604 **PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK,**
605 **FLORIDA, ON FIRST READING, THIS 7TH, DAY OF MARCH, 2018.**
606

607
608 S. GUEVREKIAN YES
609 M. SPARKS YES
610 M. CARN YES
611 J. ADORNATO YES
612 T. LONERGAN YES
613
614

615 **PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF**
616 **OAKLAND PARK, FLORIDA, ON SECOND READING, THIS 21ST. DAY OF**
617 **MARCH 2018.**

618

619

620

621

CITY OF OAKLAND PARK, FLORIDA

622

623

624

625

MAYOR TIM LONERGAN

626

627

S. GUEVREKIAN YES

628

M. SPARKS YES

629

M. CARN YES

630

J. ADORNATO YES

631

T. LONERGAN YES

632

633 ATTEST:

634

635

636

637

638 RENEE M. SHROUT, CMC, CITY CLERK

639

640

641 LEGAL NOTE:

642 I hereby certify that I have approved the form of this Ordinance. (O-2018-005)

643

644

645 DONALD J. DOODY, CITY ATTORNEY

646