

## ORDINANCE 19 - 13

**AN ORDINANCE OF THE CITY OF HOLMES BEACH, FLORIDA, AMENDING THE CITY'S VACATION RENTAL UNIT ORDINANCE, CHAPTER 4 OF THE CITY'S CODE OF ORDINANCES, BY AMENDING SECTION 4-4 (DEFINITIONS); AMENDING SECTION 4.5 (APPLICATION FOR VACATION RENTAL CERTIFICATE); AMENDING SECTION 4.6 TO ADDRESS MEETING MINIMUM STANDARDS FOR HABITABLE STRUCTURES; AMENDING SECTION 4.6 (STANDARDS AND REQUIREMENTS); BY AMENDING SECTION 4.8 (USE OF AGENTS); AMENDING SECTION 4.10 (FEES); AMENDING SECTION 4.11 (VIOLATIONS); AMENDING SECTION 4.12 (SOLID WASTE HANDLING AND CONTAINMENT); AMENDING SECTION 4.14 (VACATION RENTAL UNIT ADVERTISING REQUIREMENT); AMENDING 4.16 (REQUIRED POSTING OF VACATION RENTAL INFORMATION); AND PROVIDING FOR SEVERABILITY, CONFLICTING ORDINANCES, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Holmes Beach's Comprehensive Plan requires that the residential and family character of the city be maintained and protected while recognizing the economic benefit resulting from the tourist trade; and

**WHEREAS**, in furtherance of the goals of the Comprehensive Plan, the City Commission passed Ordinance No. 16-02, titled "Regulation of Vacation Rental Units," as amended by Ordinance No. 16-22, and codified as Chapter 4, Section 4-1 *et seq.* ("Ordinance" or "Vacation Rental Unit Ordinance"), which regulates the use and operation of vacation rental units; and

**WHEREAS**, now that the city has experienced three years of enforcement of the Ordinance and with advances made in the online presence of businesses that offer vacation rental units, the City Commission has determined that certain provisions of the Ordinance are in need of revision to reflect the need to protect the rights of Holmes Beach residents and businesses and also promote tourist trade; and

**WHEREAS**, the City Commission has also determined that the current fees and penalties are in need of revision to more accurately reflect the actual cost of implementing and enforcing the Ordinance and paying for the city's expense in monitoring the various vacation rental online websites that advertise the availability of vacation rental units located in Holmes Beach; and

**WHEREAS**, the Planning Commission, at a public meeting, determined that this Ordinance updating the Vacation Rental Unit Ordinance is consistent with the Comprehensive Plan, and adoption of the Ordinance is in the best interest of the residents and businesses of the city; and

**WHEREAS**, the City Commission has determined that the passage of this Ordinance will protect the health, safety, and welfare of the residents of Holmes Beach while at the same time providing a healthy business environment within which the owners and managers of vacation rental units will be able to promote tourist trade; and

**WHEREAS**, the City Commission recognizes that numerous persons and businesses are engaged in providing and staying in vacation rental units within the city; and

**WHEREAS**, the City Commission finds the existence of a substantial government interest in insuring that accurate and important information is provided by the owners and managers of vacation rental units to those persons renting and staying in the vacation rental units; and

**WHEREAS**, the City Commission finds that providing accurate and important information on the websites and in the advertising of vacation rental units within the city is a significant and important way to insure that the vacation rental units provided to the traveling public are being provided lawfully; and

**WHEREAS**, the City Commission finds that a substantial government interest exists that persons renting these units are able to enjoy their vacation stays in units which are fully compliant with city regulations without the irritation or inconvenience that persons staying in vacation rentals in violation of city regulations experience; and

**WHEREAS**, the City Commission finds that there is a substantial government interest in insuring that the terms and conditions under which vacation rental units are being offered to the public are properly and lawfully advertised so that the persons staying in the vacation rental units can be confident that their time in the city does not risk interruption associated with renting an illegally maintained vacation rental units; and

**WHEREAS**, the City Commission has determined that the tourism industry benefits the city and the changes made by this Ordinance strike a balance between private property rights and the need to have effective regulation of vacation rental units.

**NOW, THEREFORE**, be it ordained by the City Commission of the City of Holmes Beach, Florida, as follows:

**SECTION 1. Findings of Fact.** The above whereas clauses are adopted and incorporated in this Ordinance as the findings of fact of the City Commission.

**SECTION 2. Amendment of Section 4-4.** Chapter 4, Section 4-4 (Definitions), is revised by amending the definition of "repeat violation: and adding a definition for the term "violator" in alphabetical order, and shall add all language shown as underscored and deleting all language shown as strikethrough, so to read as follows:

*Repeat violation.* A violation of a provision of this chapter by a person or legal entity that has previously been found to be in violation or has previously paid a fine for a violation of any part of this chapter within three years prior to the subsequent violation. (See section 2-117 of the city's Code of Ordinances)

Violator: the person, natural or otherwise, in violation of those portions of the Code Ordinances of the City of Holmes Beach, or any ordinances not yet codified, which are within the jurisdiction of the City of Holmes Beach special magistrate. The term "violator" shall include each of the following: the owner of the property where the violation exists; the person in immediate control of the property where the violation exists, such as tenant or current resident; the person or entity that manages the property where the violation exists, such as a property management company or landlord, if separate from the owner; or manager or person in charge of the property where the violation exists. Multiple violators may be cited for a single violation. Any violation that is enforced against a violator as set forth in this Code does not preclude the enforcement of the same violation against other violators.

**SECTION 3. Amendment of Section 4-5(a).** Chapter 4, Section 4.5(a) (Application for Vacation Rental Certificate), is amended to read as follows with the addition of the underlined provisions and the deletion of the stricken provisions set forth in this Section:

~~(a) Within 180 days of the effective date of the Vacation Rental Ordinance, the City will establish the process for obtaining a vacation rental certificate. Once the application process is established, the City will notify the owners or agents of properties with existing rental business tax receipts that the Vacation Rental Certificate application process is available. The City will also place a notice in the newspaper that the vacation rental application process is available. All owners of properties used as vacation rental unit shall be required to submit an application for a Vacation Rental Certificate on a form promulgated by the City within ninety (90) days of the notice sent by the City. If an~~

~~application together with the required application fee is received prior to the deadline, the property owner will be allowed to continue renting the property while the application is being processed by the City and inspections are scheduled; provided the owner has a valid Business Tax Receipt issued by the City. The City will also allow for a reasonable amount of time for the property to come into compliance in the event of a failed inspection.~~

- (a) No vacation rental unit shall either be rented or offered for rent within the city without a valid vacation rental certificate. Failure to operate a vacation rental unit without a current vacation rental certificate is a violation of this Ordinance.
  
- (b) Any person or entity who operates a vacation rental unit shall apply for a vacation rental certificate on a form provided by the city and with the required application fee. The administration shall promulgate appropriate application forms and an application fee. An applicant shall include all information required by this ordinance in the application. The administration shall review the application for completeness before processing begins. If the application is incomplete, the applicant will be informed of what material is missing. The applicant shall have twenty (20) business days to provide the missing material. If the missing material is not provided, the application shall be deemed withdrawn. If the missing material is provided and the application is deemed complete, the administration shall process the application in the usual course of business. A vacation rental certificate shall be valid for a two-year period beginning with its issuance date.
  
- (c) A vacation rental certificate must be renewed prior to the end of its term by filing an application for renewal between 60 and 30 days before the expiration of the certificate. The administration shall promulgate appropriate renewal forms and a renewal fee.. An applicant shall include all information required by this ordinance in the application. The administration shall review the application for completeness before processing begins. If the application is incomplete, the applicant will be informed of what material is missing. The applicant shall have twenty (20) business days to provide the missing material. If the missing material is not provided, the application shall be deemed withdrawn. If the missing material is provided and the application is deemed complete, the administration shall process the application in the usual course of business. If a renewal application is filed in a timely manner, the current vacation rental certificate shall

remain in effect until the application for a renewal certificate is approved or denied. If an application for a renewal certificate is not filed in a timely manner, the vacation rental certificate shall expire, and the vacation rental unit shall not be offered for rent or rented.

- (d) A vacation rental unit shall be inspected before the issuance of an initial vacation rental certificate or a renewal certificate.
- (e) A vacation rental certificate shall be issued if the following conditions have been met:
  - (1) The application for a vacation rental certificate is complete and the applicant has submitted all required documents.
  - (2) An inspection of the vacation rental unit shows that the vacation rental unit is in compliance with all applicable building and life safety codes and is in compliance with the provisions of the vacation rental unit ordinance and parking requirements, subject to legal nonconformities.
  - (3) The applicant has paid all required fees and if any fines or penalties had been previously imposed on the applicant or the vacation rental unit, the fines and penalties have been paid or otherwise resolved.
- (f) A vacation rental certificate shall not be issued or renewed if the vacation rental unit is not in compliance with one or more requirements of this ordinance and other applicable laws and ordinances. A denial of an application for a new vacation rental certificate or a renewal application shall be in writing and shall specify the grounds for the denial. An applicant may seek review of the denial before the development special magistrate pursuant to Section 2.12 of the Code of Ordinances. The review shall be based upon the record as it existed at the time of the denial.

**SECTION 4. Amendment of Section 4-5(b).** Chapter 4, Section 4.5(b) (Application for Vacation Rental Certificate), is amended to read as follows with the addition of the underlined provisions and the deletion of the stricken provisions set forth in this Section:

(b)The vacation rental certificate application shall include all information relevant to review and approval of a certificate, including but not limited to, the following information:

(1)Property Management

- (a) Name
- (b) Address
- (c) Phone
- (d) Local Emergency and Contact Phone with 24-hour availability for receiving notice of violations
- (e) E-Mail Address

(2) Property Owner

- (a) Name
- (b) Address
- (c) Phone (including the land line number at the property)
- (d) Local Emergency Contact and Phone with 24-hour availability for receiving notice of violations
- (e) E-Mail Address

(3) Vacation Rental Unit Address

- (a) Number and Street Address, including individual unit numbers or letters for vacation rental units with more than one unit.
- (b) The Name of the Vacation Rental Property (e.g., "Mermaid's Hideaway")

(4) Proof of Ownership. The following proofs of ownership must be submitted:

- (a) Copy of a Recorded Deed (as an attachment) or a Recent Profile from Property Appraiser (as an attachment)
- (b) Verification of Active Status for Corporate Owners (as an attachment)
- (c) Taxpayer Identification Number for Owners not U.S. Citizens

(5) Parcel Identification Number (assigned by the County Property Appraiser)

(6) Property Description Type

(a) Single Family

(b) Duplex Unit

(c) Condominium Unit (proof of active condominium association as attachment)

(7) Occupancy

(a) Number of Bedrooms

(8) Parking

(a) Number and Location of Onsite Parking Spaces

**SECTION 5. Amendment of Section 4-5(g).** Chapter 4, Section 4.5(g) (Application for Vacation Rental Certificate), is amended with the addition of the underlined provisions and the deletion of the stricken provisions set forth in this Section:

(g) Within 30 days, after ~~submitted~~ submitting an initial application or an application for renewal, the property owner, or the owner's authorized representative, shall contact the city to schedule an inspection. Upon completion of a satisfactory inspection, the city shall issue a vacation rental certificate (VRC) to the property owner which certificate shall be valid for a period of two (2) years. If the property fails its inspection, the owner shall be given 30 days to bring the property into compliance and request a re-inspection of the property.

**SECTION 6. Amendment of Section 4-5(h).** Chapter 4, Section 4.5(h) (Application for Vacation Rental Certificate), is amended in its entirety to read as follows with the addition of the underlined provisions and the deletion of the stricken provisions set forth in this Section:

~~(h) A change of ownership of a vacation rental property invalidates the vacation rental certificate of the previous owner, and causes a new application and satisfactory inspection to be obtained.~~

(h) A vacation rental certificate may be transferred upon change of ownership as set forth in Section 4.8(d).

**SECTION 7. Addition of Section 4-5(i).** Chapter 4, Section 4.5 (Application for Vacation Rental Certificate), is revised to add subparagraph (i) which reads as follows with the addition of the underlined provisions set forth in this Section:

(i) Failure to complete the application process including a satisfactory inspection within thirty (30) days after the initial inspection constitutes a violation of this Ordinance, and the city shall be authorized to deny the application.

**SECTION 8. Addition of Section 4-5(j).** Chapter 4, Section 4.5 (Application for Vacation Rental Certificate), is revised to add subparagraph (j) which reads as follows with the addition of the underlined provisions set forth in this Section:

(j) No property owner or agent for the owner shall operate a vacation rental unit within the city without a valid vacation rental certificate. Failure to have a current vacation rental certificate shall constitute a violation of this Ordinance.

**SECTION 9. Amendment of Section 4-6(a).** Chapter 4, Section 4.6(a) (Standards and Requirements), is amended to read as follows with the addition of the underlined provisions set forth in this Section:

(a) All vacation rental units, whether single-family homes, duplexes, condominium units, three or four unit complexes, or multiple family complexes, must meet the minimum standards for habitable structures set forth in the Florida Building Code, the Florida Fire Code, the Florida Life Safety Code, the Federal Emergency Management Agency laws and regulations, and the Land Development Code of the City of Holmes Beach, subject to legal nonconformities.

**SECTION 10. Amendment of Section 4-6(a)(1).** Chapter 4, Section 4.6(a)(1) (Standards and Requirements), is amended with the addition of the underlined provisions set forth in this Section:

(1) *Swimming pool, spa, and hot tub safety.* An in-ground or above-ground swimming pool, spa, or hot tub offered or made available as an amenity at a vacation rental unit shall comply with current standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes. The property owner or rental agent shall cause have the swimming pool drain system, any underwater lighting system, and the electrical pump system of such swimming pools, spas, and hot tubs

inspected annually by an appropriately licensed technician. Proof of such inspection within the previous twelve (12) months from the date of the request shall be provided to the city upon request.

**SECTION 11. Amendment of Section 4-6(a)(2).** Chapter 4.6(a)(2) titled *Swimming pool, spa, and hot tub screening* is amended to read as follows:

"All in ground and above ground swimming pools, spas and hot tubs at vacation rental units shall meet the requirements contained in Section 6.7.V.c(2)(a)(b) and (c) of the Land Development Code."

**SECTION 12. Amendment of Section 4-6(a)(3).** Chapter 4, Section 4.6(a)(3) (Standards and Requirements), is amended to read as follows with the addition of the underlined provisions and the deletion of the stricken provisions set forth in this Section:

(3) *Bedrooms.* All bedrooms within a vacation rental unit shall meet the applicable requirements ~~of the Florida Building Code, and the Florida Fire Code,~~ the Florida Life Safety Code and shall comply with the definition of bedroom contained in Section 4-4 of this Ordinance.

**SECTION 13. Addition of Section 4-6(a)(10).** Chapter 4, Section 4.6(a) (Standards and Requirements), is amended with the addition of a new subsection (10) with the underlined provisions set forth as follows:

(10) *Elevators.* Any vacation rental unit with an elevator shall meet the applicable requirements of the Florida Building Code, Florida Statutes, and the Occupational Safety and Health Administration.

**SECTION 14. Addition of Section 4-8(d).** Chapter 4, Section 4.8 (Use of Agents), is amended with the addition of a new subsection (d) with the underlined provisions set forth as follows:

(d) Upon a change of ownership or a transfer of agent of a vacation rental unit, the owner shall notify the city of the new owner, manager, and/or agent within 15 business days of such change. The new owner and/or agent shall comply with all procedural requirements of this ordinance and the conditions of the vacation rental certificate for the certificate issued to the property to be transferred.

**SECTION 15. Amendment of Section 4-10.** Chapter 4, Section 10 (Fees), is amended to read as follows with the addition of the underlined provisions and the deletion of the stricken provisions set forth in this Section:

The following fees are adopted to implement this ordinance:

- Initial Application (includes inspections) ~~\$150.00~~ \$545.00
- Renewal Application Fee (every two years) ~~\$150.00~~ \$545.00
- First Re-inspection Fee \$ 50.00
- Second Re-inspection Fee \$ 75.00
- Change of Authorized Agent Fee ~~\$ 35.00~~ \$ 50.00

~~Properties with active Business Tax Receipts (BTRs) are required to comply with the inspection criteria.~~

**SECTION 16. Amendment of Section 4-11.** Chapter 4, Section 11 (Violations), is amended to read as follows with the addition of the underlined provisions and the deletion of the stricken provisions set forth in this Section:

~~A written notice of violation shall be given for the initial violation at a vacation rental unit. The notice of violation shall be delivered to the Owner registered with the City herein and the Owner's agent if the City has an Agent designated by the Owner as provided herein. If the violation goes uncured or subsequent violations occur, the Code Enforcement Officer shall issue a written second violation notice and a fine will be assessed. The Code Enforcement procedure set forth in Chapter 2, Article V of the Code of Ordinances shall be followed; however, the penalties for violation shall be set forth as follows. Penalties may be amended by resolution of the Commission. The penalties for violation are set forth within the term of the vacation rental certificate (24 months) as set forth below:~~

- ~~First Violation~~ ~~\_\_\_\_\_~~ \$0
- ~~Second Violation~~ ~~\_\_\_\_\_~~ \$250.00
- ~~Third Violation~~ ~~\_\_\_\_\_~~ \$500.00
- ~~Irreversible Violation~~ ~~\_\_\_\_\_~~ \$2,500.00
- ~~Per Violation after a third violation~~ ~~\_\_\_\_\_~~ \$5,000.00

~~At the discretion of the Code Enforcement Officer, a repeat offender shall appear before the Magistrate for finding of facts.~~

- (a) A code enforcement officer is authorized to issue a written notice of violation (NOV) for any violation relating to the vacation rental unit ordinance including any of the violations set forth below. Each designated violation set forth below includes a specific period within which the violation shall be corrected.
  
- (b) The notice of violation shall be served as provided in Section 2-125 of the code of ordinances. The code enforcement procedure set forth in chapter 2, article V, of the code of ordinances shall be followed for processing violations; provided, however, in the event of conflict between the procedures set forth in this chapter and the procedures set forth in chapter 2, article V, the procedures in this chapter shall govern.
  
- (c) Violations relating to the vacation rental unit ordinance shall include any of the violations set forth below. Each designated violation set forth below includes a specific period within which the violation shall be corrected. If the violation is corrected within the prescribed time, the city will take no further action although the violation is deemed admitted as set forth in (e), below. Violations which do not have a designated period for correction shall be corrected within the time designated by the code enforcement officer.
  - (1) Advertising without a valid vacation rental certificate issued by the city (48 hours).
  
  - (2) Advertising that violates this chapter or any other city code or ordinance (48 hours).
  
  - (3) Advertising that fails to specifically state the minimum stay requirements as set forth in the city's Land Development Code (48 hours).
  
  - (4) Advertising which exceeds the authorized occupancy requirements (48 hours).

- (5) Failure to list the vacation rental certificate number on all advertising (48 hours).
- (6) Failure to list the number of on-site parking spaces in all advertising (48 hours).
- (7) Failure to register any new agent with the city within 15 business days (48 hours).
- (8) Failure to schedule an inspection within 30 days of application (48 hours).
- (9) Failure to schedule a re-inspection within 30 days of an inspection failure (48 hours).
- (10) Improper placement of short-term rental sign on property (24 hours).
- (11) Renting a property without a valid vacation rental certificate issued by the city (48 hours).
- (12) Renting a property for an improper length of stay.
- (13) Exceeding the maximum occupancy limits.
- (14) Failure to comply with any advertising requirement set forth in this ordinance, including but not limited to the failure to post the following statement:

“You are vacationing in a residential area. Please be a good neighbor by keeping the noise to a respectful level during the day and night. Excessive and unreasonable noise can deprive neighbors of the peaceful enjoyment of their private property.”

- (d) The fines and penalties for single or multiple violations shall be assessed set forth in this section and not as provided in chapter 2.

article V. The fines and penalties set forth in this section may be amended by resolution by the city commission.

The fines for violations are set forth as follows:

- |  |                   |
|--|-------------------|
| (1) <u>First Violation for Section 4-11(c)(1),(3),</u><br><u>(4),(13)</u>  | <u>\$250.00</u>   |
| (2) First Violation for Section 4-11(c)(11)  | \$500.00          |
| (3) First violation for all other violations   | \$150.00.         |
| (4) <u>Repeat violations within 12 months of a previous violation :</u><br><u>As set by magistrate at hearing.</u> |                   |
| (5) <u>Irreversible or irreparable violation:</u>  | <u>\$5,000.00</u> |

(e) A violator shall pay the fine to the city clerk within ten (10) business days of receiving the notice of violation even if the violation has been corrected within the prescribed time. Correcting a violation does not eliminate or mitigate the fine. If a violator timely pays the fine, fails to pay the fine within ten (10) business days of receiving the notice of violation, or fails to file a request for a hearing to contest the issuance of the notice of violation within ten (10) business days of receiving the notice of violation, the violation will be deemed admitted. If a person receiving a notice of violation desires to challenge the notice, the person shall request a hearing before the city's special magistrate by filing a request for hearing with the city clerk within ten (10) business days of receipt of the notice of violation. The request for hearing must be received by the city clerk during regular business hours. The city clerk, or the clerk's designee, shall thereafter schedule a hearing before the special magistrate to be held no more than twenty business days after receiving the request for hearing.

(f) Notwithstanding the foregoing, all repeat violations shall be scheduled for a hearing before the special magistrate and the violator shall not have the option of paying a fine prior to the hearing.

(g) The special magistrate shall conduct a hearing as provided chapter 2, article V, of the code of ordinances. Within a reasonable time following the conclusion of the hearing, the special magistrate shall render a written decision consisting of findings of fact and conclusions of law. If the special magistrate determines the violation as set forth in the notice of violation occurred, the special magistrate shall levy a fine on the violator in such amounts authorized by the provisions of chapter 2, article V, of the code of ordinances. The special magistrate shall also include with the fine an amount equal to the administrative costs recoverable by the city as provided chapter 2, article V, of the code of ordinances, including all costs and fees incurred by the city for the proceeding before the special magistrate. The written decision is considered the final decision on the matter and subject to such appeal as is available under Florida law. If the special magistrate determines that the property was not in violation as alleged in the notice of violation, the notice of violation along with all fines and costs associated with the notice of violation shall be deemed void. . Any fine and hearing costs imposed by the Special Magistrate shall be paid to the city no later than ten (10) business days following the rendering of the special magistrate's final order. If the fine and costs remain unpaid after ten (10) business days, a late fee equal to the sum of the fine and the hearing costs shall be assessed by the special magistrate as a ministerial act, and a certified copy of the special magistrate's order shall be filed in the public records of Manatee County, where it shall be deemed a lien upon the property upon which the violation exists, along with any other property belonging to the violator. The city is authorized to pursue the collection of the violator's indebtedness to the city in accordance with any applicable remedy available under Florida law, including but not limited to the foreclosure of the lien on the violator's property.

**SECTION 17. Amendment of Section 4-12.** Chapter 4, Section 4.12 (Solid Waste Handling and Containment), is amended to read as follows with the addition of the underlined provisions and the deletion of the stricken provisions set forth in this Section:

Vacation rental property owners ~~will~~ shall supply approved carts for containment of solid waste based upon the number of bedrooms in the vacation rental unit set forth in Ordinance 15-06, as amended, and section 6.2 of the franchise agreement between the city and WastePro or any

subsequent franchise agreement approved by the commission, which is attached hereto (Exhibit A) and one or more approved cart for recyclable materials with the number of carts depending upon the number of bedrooms in the unit. The owner or manager of a vacation rental unit shall place the waste containers at a clearly marked location specified by the city and shall comply with the requirements of the Florida Building Codes and the code of ordinances.

**SECTION 18. Amendment of Section 4-14.** Chapter 4, Section 4.14 (Vacation Rental Unit Advertising Requirement), is amended to read as follows with the addition of the underlined provisions and the deletion of the stricken provisions set forth in this Section:

All advertising for vacation rental units shall state the maximum occupancy limit of the vacation rental unit, the maximum parking available on the property, and the minimum stay requirement as set forth in the city's land development code, and shall include the following statement:

"You are vacationing in a residential area. Please be a good neighbor by keeping the noise to a respectful level during the day and night. Excessive and unreasonable noise can deprive neighbors of the peaceful enjoyment of their private property."

Advertisements that do not contain this information or that contain inaccurate information shall be deemed a violation of this section and subject to the penalties contained in section 4.11. The vacation rental certificate number shall be included on all advertising, including, but not limited to print and internet-based advertising. The vacation rental certificate number shall not be required for signage required in section 4.15. . For advertisements published in newspapers, the owner or manager of the vacation rental unit may use an abbreviated version of the required advertising information provided that the newspaper ad refers readers to a website and posted notices in the vacation rental unit for a more detailed version of rules and regulations of booking a vacation rental unit.

**SECTION 19. Amendment of Section 4-16.** Chapter 4, Section 4.16 (Required Posting of Vacation Rental Information), is amended to read as follows with the addition of the underlined provisions and the deletion of the stricken provisions set forth in this Section:

(a) In each vacation rental unit, the following information shall be either posted in a conspicuous place on a single page, or in a tabbed notebook, ~~there shall be the following information:~~

(1) The name, address and phone number of the vacation rental agent or owner;

(2) The maximum overnight occupancy of the vacation rental unit;

(3) A written Notice notice stating that quiet hours are to be observed between 10:00 p.m. and 7:00 a.m. daily. Excessive or boisterous noise or loud sound is not ~~appropriate~~ permitted. The notice shall state that the maximum permissible noise levels of the city are 65 decibels between the hours of 7:00 a.m. and 10:00 p.m., and 50 decibels between the hours of 10:00 p.m. and 7:00 a.m. The notice shall include the following statement:

"You are vacationing in a residential area where homes are in close proximity to each other. Please be a good neighbor by keeping the noise to a respectful level during the day and night. The maximum permissible noise level is 65 decibels (e.g., a normal conversation) between the hours of 7:00 A.M. and 10:00 P.M., and 50 decibels (quiet conversation) between the hours of 10:P.M. and 7:00 A.M. of the next day. No excessive, boisterous, or repetitive noise (e.g., shouting, yelling, screaming) is permitted. These noises can deprive neighboring persons of peaceful enjoyment of their property. A violation of the city's noise control ordinance shall subject the violator to the issuance of a notice of violation or citation. Noise is measured at the property line of the property generating the noise.

(4) The maximum number of vehicles that can be parked at the vacation rental unit;

(5) The days and times of solid waste, recyclables and yard waste pick-up;

- (6) Notice of sea turtle nesting season and sea turtle lighting regulations, if applicable; and
  - (7) The location and phone number of the nearest hospital and urgent care facility.
- (b) If the agent or owner of a vacation rental unit elects to provide the tenant with a notebook of information, the cover of the notebook must alert the tenant to its contents by posting "important information and emergency numbers" on the front of the notebook.
- (c) A legible copy of the building evacuation map, minimum 8 ½" by 11" (letter sized paper) shall be posted at the main entrance door and one other door leading to the exterior of the structure.

**SECTION 20. Severability.** If any section, subsection, paragraph, sentence, clause, or phrase in this Ordinance is held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions of this Ordinance.

**SECTION 21. Conflicting Ordinances.** Any section or provision in the city's Code of Ordinances that conflicts with the provisions of this Ordinance is hereby superseded.

**SECTION 22. Effective Date.** This Ordinance shall be effective upon adoption by the City Commission and approval by the Mayor in accordance with the Charter of the City of Holmes Beach.


**PASSED AND ADOPTED**, by the City Commission of the City of Holmes Beach, Florida, in regular session assembled, this 24<sup>th</sup> day of September, 2019.

First Reading: 9-10-19

Publication Date: 9-14-19

Second Reading and Public Hearing Date: 9-24-19

  
\_\_\_\_\_  
Jim Kihm

  
\_\_\_\_\_  
Patrick Morton

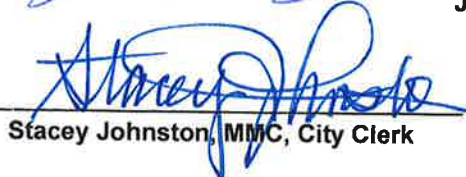
  
\_\_\_\_\_  
Carol Soustek

  
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Rick Hurst

  
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Kim Rash

APPROVED BY ME THIS 24<sup>th</sup> DAY OF September, 2019.

  
\_\_\_\_\_  
Judy Titsworth, Mayor

ATTEST:   
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Stacey Johnston, MMC, City Clerk