

ORDINANCE NO. 10-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPE CANAVERAL, BREVARD COUNTY, FLORIDA; AMENDING SECTION 110-486 OF THE CITY CODE REGULATING VACATION RENTALS; MAKING FINDINGS OF FACTS; PROVIDING FOR DEFINITIONS; REQUIRING VACATION RENTAL REGISTRATION; REQUIRING INSPECTIONS; SPECIFYING DUTIES OF VACATION RENTAL OWNERS AND ALLOWING AGENTS; PROVIDING FOR MAXIMUM OCCUPANCY; PROVIDING LIMITED EXCEPTIONS FOR PRE-EXISTING CONTRACTS; REQUIRING PROVISIONS FOR PROVIDING AND POSTING SAFETY INFORMATION FOR OCCUPANTS OF VACATION RENTALS; PROVIDING ENFORCEMENT; PROVIDING FOR OTHER MISCELLANEOUS PROVISIONS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 509.013, Florida Statutes, provides a distinction between “transient public lodging establishments,” which are rented, or advertised or held out for rental to guests more than three times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less; and “non-transient public lodging establishments,” which are rented, or advertised or held out for rental to guests for periods of at least thirty (30) days or one (1) calendar month, whichever is less; and

WHEREAS, Section 509.242(1)(c), Florida Statutes, further provides for a subset of transient public lodging establishments, called “vacation rental” which is 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 that is also a transient public lodging establishment, but that is not a timeshare project; and

WHEREAS, it is the intent of this Chapter to regulate vacation rentals defined by Florida Statutes, as well as other transient public lodging establishments that do not have on-site management, which are located in residential zoning districts of the City of Cape Canaveral, which is referred to herein as “Vacation Rentals;” and

WHEREAS, in 2014, the Florida Legislature passed Senate Bill 356 (Chapter 2014-71, Laws of Florida), amending the same statute to read “[a] local law, ordinance, or regulation may not prohibit vacation rentals, or regulate the duration or frequency of rental of vacation rentals. This

1 paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1,
2 2011;” and

3 **WHEREAS**, since approximately the late 1980s, the City of Cape Canaveral has had a
4 minimum seven (7) consecutive day rental restriction on residential property, the substance of
5 which is currently set forth in Section 110-487 of the City Code, and that durational restriction was
6 upheld in Royal Mansions Condominium Association, Inc. v. City of Cape Canaveral, case No. 89-
7 16393-CA-N; and

8 **WHEREAS**, the City Council recognizes that the City’s seven (7) consecutive day vacation
9 rental restriction in residential areas is currently grandfathered and exempt from the state
10 preemption set forth in Section 509.032(7)(b), Florida Statutes; and

11 **WHEREAS**, although Section 509.032(7)(b) preempts a municipality from either
12 prohibiting vacation rentals or regulating the duration or frequency of rental of vacation rentals
13 after June 1, 2011, the Florida Attorney General and several courts have recognized that a
14 municipality still possesses the authority to enact other kinds of regulations affecting vacation
15 rentals including, but not limited to, registration requirements, maximum occupancy, building, fire
16 and safety inspections and signage. See, e.g., Fla. AGO 2016-12; Fla. AGO 2014-09; Eisenberg v.
17 City of Miami Beach, 1 F.Supp.3d 1327 (U.S. S.D. of Fla., March 3, 2014); and

18 **WHEREAS**, the City Council also recognizes and relies upon the Florida Attorney General’s
19 opinion that accessory structures used for sleeping purposes that do not constitute a dwelling
20 unit or house do not constitute a vacation rental and therefore, a municipality may prohibit such
21 structures from being independently rented out. See Fla. AGO 2018-06; and

22 **WHEREAS**, the City of Cape Canaveral has a significant number of long established
23 residential neighborhoods, and if left unregulated, vacation rentals can create negative
24 compatibility impacts on residential neighborhoods, including disruption of the character of
25 residential neighborhoods, excessive noise, parking that overwhelms use by local residents,
26 increased instances of police and code enforcement calls for service and accumulation of trash,
27 as well as diminished public health, safety and welfare; and

28 **WHEREAS**, for purposes of protecting the character of existing residential neighborhoods
29 in the City from disruptive and incompatible uses and protecting the health, safety and welfare of
30 the community, the City Council desires to enact additional regulations pertaining to vacation
31 rentals while, at the same time, respecting law-abiding resident’s opportunity to safely offer and
32 use their dwellings as vacation rentals in a manner that is consistent with state and local law and
33 any applicable private covenants and compatible with the residential character of the surrounding
34 neighborhood; and

35 **WHEREAS**, considering the unique nature of the vacation rental market, the purpose of
36 these regulations is also to promote compliance with the City Code by vacation rental unit owners

1 and their guests including, but not limited to, regulations pertaining to the minimum seven (7)
2 consecutive day requirement, parking, noise, maximum occupancy and inspections; and

3 **WHEREAS**, these regulations are also intended to protect renter safety; and

4 **WHEREAS**, based on information gleaned from the practical first-hand experience and
5 observations of the City Council, common sense deduction of the City Council based on long term
6 experiences in the City of Cape Canaveral, information learned by City Council from various
7 residents, City Staff and law enforcement, and information from the U.S. Census, the City Council
8 finds:

9 (1) Non-transient residents residing within their residential dwellings
10 are inherently familiar with the local surroundings, local weather disturbances, local
11 hurricane evacuation plans, and means of egress from their residential dwellings,
12 thereby minimizing potential risks to themselves and their families.

13 (2) In contrast, transient occupants of vacation rentals, due to their
14 transient nature, are typically not familiar with local surroundings, local weather
15 disturbances, local hurricane evacuation plans, and means of egress from the
16 vacation rentals in which they are staying thereby increasing potential risks to
17 themselves and their families, and putting an additional burden on, and potentially
18 putting at risk, emergency personnel in the event of any emergency situation.

19 (3) Several hundred vacation rental units are likely located within
20 residential zoning districts of the City of Cape Canaveral.

21 (4) Vacation rentals, left unregulated, can create negative impacts
22 within a residential neighborhood due to excessive noise, parking and traffic
23 problems, excessive use and impact on public services and public works and
24 greater occupancy than surrounding owner occupied houses and in some
25 instances even exceed the maximum occupancy limits under the International
26 Property Maintenance Code.

27 (5) Vacation rentals situated within a residential neighborhood can
28 disturb the quiet nature and atmosphere of the residential neighborhood, and the
29 quiet enjoyment of its residents.

30 (6) Vacation Rentals located within established residential
31 neighborhoods can create negative compatibility impacts relating to extreme noise
32 levels, late night activities, on-street parking issues and traffic congestion.

33 (7) According to the 2010 U.S. Census, the City of Cape Canaveral has
34 an average household size of 1.76 persons, an average household size of owner-

1 occupied units of 1.72 persons, and an average household size of renter-occupied
2 units of 1.8 persons.

3 (8) Vacation rentals situated in a residential neighborhood can and do
4 create a great disparity in occupancy significantly above the average household
5 size within Cape Canaveral; and

6 **WHEREAS**, according to Airbnb statistics, the City of Cape Canaveral was one of the most
7 popular destinations in the year 2020, based on a 136% increase in bookings year-over-year, and
8 such increase has contributed to some of the increased adverse secondary effects caused by
9 vacation rentals primarily within residential neighborhoods and on City services, and given the
10 increase in adverse secondary effects, the City Council finds that there is a legitimate government
11 interest at this time to adopt additional vacation rental regulations as more specifically set forth
12 in this Ordinance; and

13 **WHEREAS**, the City's Planning & Zoning Board has reviewed and made a
14 recommendation regarding this Ordinance at a duly held public meeting as required by law; and

15 **WHEREAS**, the City Council hereby finds this Ordinance to be in the best interests of the
16 public health, safety and welfare of the citizens of Cape Canaveral.

17 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CAPE**
18 **CANAVERAL, BREVARD COUNTY, FLORIDA, AS FOLLOWS:**

19 **Section 1. Recitals.** The foregoing recitals are hereby incorporated herein by this
20 reference as legislative findings and the intent and purpose of the City Council of the City of Cape
21 Canaveral.

22 **Section 2. Amendment of Section 110-486.** Section 110-486 of the City Code of
23 Ordinances is hereby amended to read as follows (underlined type are additions and ~~strikeout~~
24 type are deletions):

25 **Sec. 110-486. – Vacation rentals.**

26 ~~Nothing contained in the City Code shall be construed as prohibiting the use of any~~
27 ~~dwelling unit as a "vacation rental," as defined by F.S. ch. 509. Vacation rentals shall comply with~~
28 ~~the minimum seven-day rental restriction pursuant to section 110-487 of the City Code and shall~~
29 ~~be governed by F.S. ch. 509, the Florida Building Code and the Florida Fire Prevention Code.~~

30 (a) Authority, Scope and Purpose.

31 (1) This section is enacted under the home rule power of the City of
32 Cape Canaveral in the interest of the health, peace, safety and general welfare, and
33 to preserve the quiet nature and atmosphere of residential areas, and to ensure
34 that the City's residents have the opportunity to maintain tranquility and peaceful

1 enjoyment of their neighborhoods. This section shall be liberally construed to
2 accomplish its purpose of regulating vacation rentals, protecting the residential
3 character of the City of Cape Canaveral, the health, safety, and general welfare of
4 its residents and visitors, and the quiet enjoyment by the City of Cape Canaveral's
5 residents of their residential property.

6 (2) This section is also enacted to better inform and protect transient
7 occupants of vacation rentals by requiring vacation rental owners to conspicuously
8 post minimum information related to health and safety and applicable local
9 regulations.

10 (3) The maximum overnight occupancy limits for vacation rental units
11 established herein are enacted to mitigate against the potential harms caused by
12 the unsafe overcrowding of vacation rentals by overnight transient occupants, as
13 well as the incompatible nature of overcrowded transient vacation rentals with
14 existing residential neighborhoods which statistically have a much lower average
15 household size based on U.S. Census data.

16 (4) This section does not prohibit vacation rentals, nor regulate the
17 duration or frequency of rental of vacation rentals, nor is it the intention of the City
18 of Cape Canaveral to do so, but rather this section is intended to address life safety
19 and compatibility concerns in the interests of the health, peace, safety, and general
20 welfare.

21 (5) Nothing contained in this section is intended to amend or repeal
22 the minimum seven (7) consecutive day rental restriction set forth in Section 110-
23 487 of the City Code which was enacted by the City prior to the statutory
24 preemption date of June 1, 2011 under Section 509.032 (7)(b), Florida Statutes.
25 Section 110-487 shall remain in full force and effect.

26 (6) Notwithstanding any other provision of this section, pre-existing
27 contracts are exempt from the provisions of this section. If a vacation rental is cited
28 for a violation of the provisions herein, when the vacation rental is occupied under
29 the terms of a pre-existing contract, the vacation rental owner may raise the pre-
30 existing contract as an affirmative defense and defend such violation based on the
31 fact that the vacation rental was exempt from applicable provisions of this section
32 due to it being occupied pursuant to a pre-existing contract, provided the fact
33 finder determines by competent substantial evidence that the contract exists and
34 satisfies the definition of pre-existing contract. A pre-existing contract may not be
35 raised as an affirmative defense to an alleged violation of any other provision of
36 the City Code outside of this section.

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(b) Definitions.

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

"Bedroom" means any room in a vacation rental which has a minimum of 70 square feet, a bed or other place for sleeping and a separate closet that is an integral part of the permanent construction within the bedroom or an en suite bathroom and is located along an exterior wall with an emergency means of escape and rescue opening to the outside, but shall not include a bathroom, a kitchen, a dining room, or any main living area. A bedroom shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. If a room has been added, altered, or converted without any required building permit having been granted, such room shall not be deemed a bedroom. If a previously approved bedroom in an existing vacation rental exists as of the effective date of this section, and does not have a separate closet that is an integral part of the permanent construction of the structure, but rather utilizes an armoire or other furniture piece for clothing storage for at least two persons, the requirement for a closet to qualify as a bedroom is waived.

"City fiscal year" means the annual period from October 1st through September 30th.

"Occupant" means any person who occupies a vacation rental overnight.

"Owner occupied" means the vacation rental is occupied by the owner of the vacation rental or other person(s), at the vacation rental owner's consent, who do not pay rent for the occupancy of the vacation rental, when such persons are members of the family of the vacation rental owner. Family shall be defined as any number of individuals related by blood, marriage or legal adoption, and not more than four (4) persons not so related, living together as a single housekeeping unit. Foster children are considered part of a family.

"Pre-existing contract" means a duly executed written contract entered into by a vacation rental owner and a future occupant prior to the enactment of this section on October 1, 2021 under which the vacation rental owner has agreed to rent a vacation rental to the occupant in compliance with the minimum seven (7) consecutive day rental requirement under section 110-487 of the City Code, if applicable.

1 "Transient public lodging establishments" means any unit, group of units,
2 dwelling, building, or group of buildings within a single complex of buildings which
3 is rented to guests more than three (3) times in a calendar year for periods of less
4 than 30 days or 1 calendar month, whichever is less, or which is advertised or held
5 out to the public as a place regularly rented to guests.

6 "Vacation Rental" is defined under Florida Statutes and is currently defined
7 as any unit or group of units in a condominium or cooperative or any individually
8 or collectively owned single-family, two-family, three-family, or four-family house
9 or dwelling unit that is also a transient public lodging establishment but that is not
10 a timeshare project. A vacation rental is the entire dwelling unit or house. An
11 accessory structure where people are permitted to sleep that is not a lawfully
12 permitted separate dwelling unit or house is not a vacation rental. Further, one or
13 group of individual rooms independently rented or offered for rent apart from the
14 entire dwelling unit or house is not a vacation rental.

15 "Vacation Rental Owner" is the fee simple owner of the vacation rental,
16 whether an individual, partnership, corporation, limited liability company, trust, or
17 other entity. In the event the vacation rental owner is not an individual, each and
18 every person who owns twenty percent (20%) or more of the equitable interest in
19 the vacation rental shall also be deemed a vacation rental owner.

20 (c) Registration

21 Registration shall be based on the City's fiscal year similar to City business tax
22 receipts. Prior to initiating the operation of a property as a vacation rental and prior to
23 October 1st for each subsequent year, a vacation rental owner, either personally or through
24 an agent, shall register with the City of Cape Canaveral utilizing forms promulgated by the
25 City. A leaseholder of an entire dwelling unit or house may also register the entire dwelling
26 or house as a vacation rental provided written consent of the vacation rental owner is filed
27 with the City along with verification of the lease. Registration may be conducted by
28 electronic means by the City and through a third-party contractor retained by the City for
29 such purposes. The City, with the approval of the City Manager, may extend the date that
30 such registration is required by notice on the City's website, and prorate up to fifty percent
31 (50%) of the required registration fee for initial registrations filed after April 1st. A separate
32 registration shall be required for each vacation rental. The operation of a vacation rental
33 without registration after the date registration is required shall be a violation of this
34 section, except in the instance of providing accommodations to fulfil a pre-existing
35 contract as provided hereinafter. Upon receipt of written notice by the City that a vacation
36 rental is in noncompliance with the registration requirements, the vacation rental owner
37 or agent, as applicable, shall have a five (5) day grace period in which to register the

1 vacation rental. Renting the subject vacation rental without registration after the five (5)
2 day grace period shall constitute a separate violation of this section for each day after the
3 grace period.

4 (1) A vacation rental owner or agent, as applicable, registering a
5 vacation rental with the City shall submit to the City a completed registration form
6 utilizing the registration method established by the City, together with a
7 registration fee in the amount set by resolution of the City Council.

8 (2) A registration shall include the following submittals:

9 (i) A completed vacation rental registration form.

10 (ii) Payment of applicable fee which shall be nonrefundable.

11 (iii) A copy of the vacation rental's current and active license as a
12 transient public lodging establishment with the Florida Department of Business
13 and Professional Regulation, if the registrant is required to have such license.

14 (iv) A copy of the vacation rental's current and active certificate of
15 registration with the Florida Department of Revenue for the purposes of collecting
16 and remitting sales surtaxes, transient rental taxes, and any other taxes required by
17 law to be remitted to the Florida Department of Revenue.

18 (vi) A copy of the current City business tax receipt.

19 (vii) Evidence of the vacation rental's current and active account with the
20 Brevard County Tax Collector for the purposes of collecting and remitting tourist
21 development taxes and any other taxes required by law to be remitted to the
22 Brevard County Tax Collector.

23 (viii) Exterior site sketch. An exterior sketch of the vacation rental facility
24 shall be provided. The sketch shall show and identify the dwelling unit or house
25 and all structures, pools, spas, hot tubs, fencing, and uses, including areas provided
26 for off-street parking. For purposes of the sketch, off-street parking spaces shall
27 be delineated so as to enable a fixed count of the number of spaces provided. At
28 the option of the vacation rental owner, such sketch may be hand drawn, and need
29 not be professionally prepared.

30 (ix) Interior building sketch by floor. A building sketch by floor shall be
31 provided, showing a floor layout identifying all bedrooms, other rooms, exits,
32 hallways and stairways, as applicable. At the option of the vacation rental owner,
33 such sketch may be hand drawn, and need not be professionally prepared.

1 (3) If a registration form is incomplete, the registrant will be notified of
2 the deficiency, and be allowed ten (10) days to provide any missing information or
3 fees unless additional time is granted by the City for good cause.

4 (4) A vacation rental owner, either personally or through an agent, shall
5 be required to amend the vacation rental registration in the following
6 circumstances:

7 (i) A change in ownership of the vacation rental;

8 (ii) An increase or decrease in the number of bedrooms in the vacation
9 rental;

10 (iii) An increase or decrease in the maximum occupancy of the vacation
11 rental; or

12 (iv) An increase or decrease in the number of parking spaces, or a
13 change in location of parking spaces for the vacation rental.

14 (5) A vacation rental registration shall be based upon and valid for one
15 (1) City fiscal year, and renewals shall be annually prior to the expiration date of
16 the previous vacation rental registration.

17 (6) A vacation rental registration is transferable when the ownership of
18 the vacation rental is sold or otherwise transferred, and the new owner has filed a
19 modification of the registration with the City within thirty (30) days from the date
20 of sale or transfer. If the new owner fails to timely modify the registration, any
21 existing registration related to the subject property shall be deemed null and void
22 on the thirty-first (31st) day after such sale or transfer, and the new property owner
23 will thereafter be required to file a new registration form and pay a new registration
24 fee.

25 (7) The registration of vacation rental shall not be construed to
26 establish any vested right or entitle the registered vacation rental to any rights
27 under the theory of estoppel. Registrations accepted in error by the City or based
28 on false or misleading information may be freely revoked by the City upon written
29 notice to the vacation rental owner. Registration shall not be construed as a waiver
30 of any other requirements contained in the City Code or applicable law and is not
31 an approval of any other code requirement outside of acknowledging registration
32 with the City under this section. The registration of a vacation rental is not an
33 approval of a use or activity that would otherwise be illegal under applicable law
34 and does not in any way limit or prevent the City from enforcing applicable law.

1 (8) It shall be a violation of this section for any person to provide false
2 or misleading information in connection with any application for registration,
3 modification or renewal of a vacation rental as required by this section.

4 (d) Maximum Overnight Occupancy.

5 (1) The maximum overnight occupancy of a vacation rental shall be two (2)
6 occupants per bedroom (as defined herein), plus two (2) additional occupants per vacation
7 rental, excluding children under the age of six (6) years old, up to a maximum occupancy
8 of:

9 (i) Eight (8) occupants per dwelling unit or house not exceeding 2,000 square
10 feet under enclosed roof/air;

11 (ii) Ten (10) occupants per dwelling unit or house between 2,001 and 3,000
12 square feet under enclosed roof/air;

13 (iii) Twelve (12) occupants per dwelling unit or house between 3,001 square
14 feet and 4,500 square feet under enclosed/air; or

15 (iv) Fourteen (14) occupants per dwelling unit or house over 4,500 square feet
16 under enclosed roof/air.

17 For purposes of this subsection, the term "overnight" shall mean between the hours
18 of 10:00 p.m. and 7:00 a.m. the following day. Square footage shall be determined
19 based on data contained in a floor plan prepared by a duly licensed engineer,
20 recorded official condominium declarations or the Brevard County Property
21 Appraiser's official website.

22 (2) Notwithstanding the maximum occupancy restrictions set forth in
23 subsection (1), the occupancy of a vacation rental shall not exceed the maximum
24 occupancy permitted by the Florida Building or Fire Prevention Code or International
25 Property Maintenance Code if less than the requirements allowed by this section.

26 (3) The maximum occupancy restrictions set forth in subsection (1) shall not
27 apply when the vacation rental is being physically owner occupied.

28 (4) If the vacation rental owner has a pre-existing contract booking a vacation
29 rental prior to the adoption of this subsection (d) that exceeds the maximum occupancy
30 requirements, the vacation rental owner shall request in writing that the City exclude the
31 pre-existing contractual booking from the requirements set forth in this subsection (d).
32 The written request must be submitted on a form prescribed by the City, which shall be
33 submitted under oath and penalties of perjury, and provide verifiable proof of the pre-
34 existing contract, number of occupants and number of bedrooms. Only verifiable and pre-

1 existing contracts approved by the City shall be excluded from the requirements of this
2 subsection, and then the exclusion shall only apply to the specific date, time and duration
3 of the pre-existing booking. It is the intent and purpose of this subsection to allow the
4 vacation rental owner to honor the terms and conditions of such pre-existing contracts
5 entered into prior to the enactment of this subsection (d) that exceed the maximum
6 occupancy requirements.

7 (e) Posting of Safety and Information Notice.

8 (1) In each vacation rental, there shall be provided and posted, in a
9 prominent, conspicuous location, the following minimum written information:

10 (2) The name, address and phone number(s) of the vacation rental
11 owner or agent, as applicable. The phone number required by subsection (g) must
12 be listed at a minimum.

13 (3) The maximum occupancy of the vacation rental.

14 (4) The Cape Canaveral address and telephone number for the Brevard
15 County Sheriff's Office and Cape Canaveral Volunteer Fire Department.

16 (5) A copy of document to be supplied by the City which includes
17 excerpts from the City of Cape Canaveral Ordinance provisions of general
18 application relevant to vacation rentals to include solid waste pick-up regulations,
19 parking restrictions, regulations related to sea turtles and sea turtle lighting, and
20 beach, park and nuisance regulations. The City will make available to vacation
21 rental owners and agents a copy of such document in digital format upon request,
22 and the City will post such document on its website.

23 (6) The maximum number of vehicles that can be parked at the
24 vacation rental, along with a sketch of any off-street parking space locations
25 including any existing driveway and parking garage.

26 (7) The days and times of trash pickup.

27 (8) The location and telephone number of the nearest hospital.

28 (9) The location of any additional off-site parking spaces for occupants
29 and guests of the vacation rental, if available and needed.

30 (f) Inspections.

31 (1) An inspection of a vacation rental to verify compliance with the provisions
32 of this section, the Florida Building Code, Florida Fire and Life Safety Codes and
33 International Property Maintenance Code may be requested by the City on an annual basis

1 or as needed to address code compliance issues. Upon such request, the inspection shall
2 be made by the City through appointment with the vacation rental owner or agent, as
3 applicable. Upon conclusion of the inspection, the City will inform the vacation rental
4 owner or agent in writing of any non-compliance issues that must be remedied by the
5 vacation rental owner.

6 (2) If the vacation rental owner or agent, as applicable, does not make the
7 vacation rental available for inspection within twenty (20) days after notification by the
8 City, in writing, that the City is ready to conduct the inspection, said failure shall constitute
9 a violation of this section. Such violation shall continue until the inspection is
10 accomplished. Each day that such violation continues shall be a separate violation.

11 (3) This section shall not be construed to limit or restrict the City's authority
12 under the Florida Building Code, Fire Prevention Code or International Property
13 Maintenance Code to conduct required safety and permit inspections nor limit the City's
14 authority to seek an administrative search warrant under applicable law.

15 (g) Duties of Vacation Rental Owner to be Available.

16 (1) The duties and functions of a vacation rental owner may, at the option of
17 the vacation rental owner, be performed by a designated agent of the vacation rental
18 owner, so long as the vacation rental owner notifies the City, in writing, on a designated
19 agent form provided by the City, of the identity and contact information of such agent,
20 and the specific duties that the agent will be performing for the vacation rental owner.
21 The vacation rental owner may change the designation of agent at any time through the
22 filing of a new form and the payment of an administrative fee in an amount as set by
23 resolution by the City Council. A designated agent may be held accountable for violations
24 of this section with respect to the applicable vacation rental assigned to the agent.
25 However, the vacation rental owner shall be held responsible for all actions of such
26 designated agent.

27 (2) A vacation rental owner or designated agent, as applicable, shall register a
28 contact telephone number with the City which shall be monitored and answered by the
29 vacation rental owner or designated agent on a twenty-four (24) hour a day, seven (7) days
30 a week basis to respond to police, fire or other emergency personnel requests, the needs
31 of occupants staying at the vacation rental and responding to complaints regarding the
32 conduct or behavior of occupants and their guests. The contact number shall be required
33 to be posted on the notice required by subsection (e). Otherwise, a vacation rental owner
34 or designated agent, as applicable, must also register a telephone number to respond to
35 the City's regulatory personnel during normal business hours on Monday through
36 Saturday, 9:00 a.m. to 5:00 p.m.

1 (3) A vacation rental owner or designated agent must be willing and able to
2 be physically present at the vacation rental for inspections required by this section and
3 upon notification of code or law enforcement or fire/EMS personnel for issues related to
4 the vacation rental, and shall be physically present within sixty (60) minutes of notification
5 unless otherwise required by such personnel.

6 (4) Conduct on-site inspections of the vacation rental at the end of each rental
7 period to ensure continued compliance with the requirements of this section.

8 (5) Maintain for three years a log of all bookings of the vacation rental. The
9 log shall only be required to contain the booking date of each rental and the number of
10 occupants on each booking date. The log shall be available for inspection by the City to
11 determine compliance with this section. Nothing herein shall be construed to require the
12 provision of any other information in the log including any personal information of the
13 occupants.

14 (h) Independently Renting Rooms Prohibited.

15 It shall be unlawful to independently rent or offer for rent individual rooms or
16 groups of rooms apart from the entire dwelling unit or house as a vacation rental.

17 (i) Commercial Use of Property; Entertainment Venue Prohibited.

18 A vacation rental shall not be used or advertised for any commercial or non-
19 residential use, including use of the property primarily as a party, event or entertainment
20 venue or social hall.

21 (j) Compliance with Codes; Enforcement; Penalties.

22 (1) In addition to the provisions of this section, vacation rental owners, designated
23 agents, occupants and guests of the vacation rental shall comply with the provisions of
24 this section and all other applicable local, state and federal laws, regulations, rules and
25 standards ("Codes"). If violations of such Codes are found, such violations shall be handled
26 by the City in the customary code enforcement manner, and the City may pursue such
27 code enforcement, administrative and/or judicial action as deemed necessary and allowed
28 by law to gain current and future compliance by the violator.

29 (2) Any person owning, renting, operating or using a vacation rental in
30 violation of this section shall be subject to the penalties set forth in section 1-15 unless
31 otherwise specifically set forth in the City Code, and to all applicable enforcement
32 measures and penalties authorized by law. Any person operating a vacation rental without
33 registering as required by this section shall be subject to a penalty of \$100.00 for the first
34 offense, \$250.00 for the second offense, and \$500.00 for each subsequent offense
35 thereafter.

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Section 3. Repeal of Prior Inconsistent Ordinances and Resolutions. All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. Incorporation Into Code. This Ordinance shall be incorporated into the Cape Canaveral City Code and any section or paragraph, number or letter and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective on October 1, 2021.

ADOPTED by the City Council of the City of Cape Canaveral, Florida, this 16th day of March, 2021.

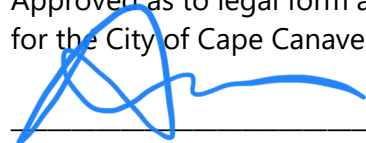
Bob Hoog, Mayor

ATTEST:	For	Against
_____	Mike Brown _____	_____
Mia Goforth, CMC City Clerk	Robert Hoog _____	_____
	Mickie Kellum _____	_____
	Wes Morrison _____	_____
	Angela Raymond _____	_____

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First Reading: January 19, 2021
Planning & Zoning Board: January 27, 2021 & February 24, 2021
Advertisement: February 4, 2021
Second Reading: March 16, 2021

Approved as to legal form and sufficiency
for the City of Cape Canaveral only by:



Anthony A. Garganese, City Attorney