

1 TOWN OF JUNO BEACH, FLORIDA

2
3 ORDINANCE NO. 710

4
5 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO
6 BEACH, FLORIDA, AMENDING CHAPTER 34, "ZONING," OF THE
7 TOWN CODE OF ORDINANCES BY AMENDING ARTICLE IV,
8 "SUPPLEMENTAL REGULATIONS," TO ADOPT A NEW DIVISION 17,
9 "VACATION RENTALS;" PROVIDING FOR APPLICABILITY;
10 PROVIDING FOR REGISTRATION AND INSPECTION; PROVIDING FOR
11 VACATION RENTAL STANDARDS; PROVIDING FOR VIOLATIONS,
12 ENFORCEMENT AND REMEDIES; PROVIDING FOR CODIFICATION,
13 SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR
14 OTHER PURPOSES.

15
16 WHEREAS, prior to 2011, Florida's municipalities were free to regulate local land
17 use issues under the Home Rule Authority granted them by the Florida Constitution and
18 Chapter 166, Florida Statutes; and

19
20 WHEREAS, in 2011, the Florida Legislature, through the enactment of Chapter
21 2011-119, Laws of Florida, preempted the local regulation of a specific land use known
22 as vacation rentals, thereby preventing municipalities from enacting new regulations
23 necessary to address any consequential or negative impacts caused by vacation rentals;
24 and

25
26 WHEREAS, in 2014, the Florida Legislature, through the enactment of Chapter
27 2014-71, Laws of Florida, rescinded the complete preemption of the regulation of vacation
28 rentals, but specifically mandated that local laws, ordinances or regulations could not
29 prohibit vacation rentals or regulate the duration or frequency of vacation rentals; and

30
31 WHEREAS, Chapter 2014-71, Laws of Florida, returned some local control back
32 to municipalities to mitigate the effects of vacation rentals in an attempt to make them
33 safer, more compatible with existing neighborhood regulations and accountable for their
34 proper operation; and

35
36 WHEREAS, the occupants of vacation rentals, due to the transient nature of their
37 occupancy, are unfamiliar with local hurricane evacuation plans, the location of fire
38 extinguishers, exit routes, pool and home safety features, and other similar safety
39 measures that would ordinarily be provided to guests in traditional lodging
40 establishments, i.e., hotels and motels; and

41
42 WHEREAS, if left unregulated, the occupants of vacation rentals located within
43 established neighborhoods can disturb the quiet enjoyment of the neighborhood and
44 create numerous secondary impacts, including noise, traffic and a greater demand on
45 public services; and

46
47 WHEREAS, traditional lodging establishments are typically restricted to
48 commercial and other non-residentially zoned areas where intensity of use is separated
49 from less busy and quieter residential uses; and

1 WHEREAS, like many other municipalities throughout the State of Florida, the
2 Town of Juno Beach wishes to impose standards both to provide for the safety and
3 welfare of occupants of vacation rentals and to minimize any negative impacts caused by
4 vacation rentals in residential areas, especially established single-family neighborhoods;
5 and

6
7 WHEREAS, the Town of Juno Beach desires vacation rentals that are safe,
8 conform to the character of the community, provide positive impacts for tourism, do not
9 detract from property values and achieve greater neighborhood compatibility; and

10
11 WHEREAS, the Town's enactment of regulations applicable to vacation rentals is
12 necessary to preserve the integrity of residential areas and neighborhoods and
13 corresponding property values, while also protecting the health, safety and welfare of
14 residents, property owners, investors and transient occupants of the Town; and

15
16 WHEREAS, the Town's regulations are intended to supplement, not replace, any
17 existing federal or state law or regulation or any existing controls within established
18 residential units served by homeowner or condominium associations; and

19
20 WHEREAS, the Town's regulations neither prohibit vacation rentals nor restrict the
21 duration or frequency of vacation rentals; rather they are intended to address life safety
22 and compatibility concerns and the secondary effects of vacation rentals located within
23 residential areas and neighborhoods; and

24
25 WHEREAS, as required by Section 34-138 of the Town Code of Ordinances, the
26 Town's Planning and Zoning Board conducted a duly advertised public hearing on this
27 Ordinance and provided its recommendation to the Town Council; and

28
29 WHEREAS, the Town Council determines that the adoption of this Ordinance
30 benefits the public health, safety and welfare of the residents and citizens of the Town,
31 as well as visitors to the Town.

32
33 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
34 TOWN OF JUNO BEACH, FLORIDA as follows:

35
36 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and
37 incorporated herein.

38
39 **Section 2.** The Town Council hereby amends Article IV, "Supplemental
40 Regulations," of Chapter 34, "Zoning," of the Town Code of Ordinances by adopting a
41 new Division 17, "Vacation Rentals," to read as follows:

42 DIVISION 17. VACATION RENTALS
43
44
45

1 **Sec. 34-1321. Applicability.**
2

3 The regulations set forth in this division shall apply to any building or
4 structure utilized as a vacation rental within any Town zoning district. A
5 vacation rental is a dwelling unit that is also a transient public lodging
6 establishment, but is not a time share project. A transient public lodging
7 establishment, as defined by section 509.013(4)(a), Florida Statutes, as
8 amended, is any unit which is rented out to guests more than three (3) times
9 in a calendar year for periods of less than thirty (30) days or one (1) calendar
10 month, whichever is less, or which is advertised or held out the public as a
11 place regularly rented to guests for periods less than thirty (30) days or one
12 (1) calendar month, whichever is less.
13

14 **Sec. 34-1322. Registration and inspection.**
15

16 (a) *Registration required.* It shall be unlawful for any person or
17 entity to operate a vacation rental within the corporate limits of the Town
18 without first registering the vacation rental with the planning and zoning
19 department in accordance with the requirements of this division. All existing
20 vacation rentals shall be required to be registered by October 1, 2019.
21

22 (b) *Initial registration.* Every vacation rental owner or operator
23 shall first register with the town by submitting to the planning and zoning
24 department a properly completed and notarized registration form, as
25 prescribed by the Town, together with a registration fee in an amount
26 established by resolution of the Town Council. A separate registration form
27 shall be required for each vacation rental. The registration form shall be
28 accompanied by the following:
29

- 30 (1) A copy of the business tax receipt issued by the Town;
- 31 (2) A copy of the Florida Department of Business and
32 Professional Regulation license as a transient public lodging
33 establishment/vacation rental;
34
- 35 (3) A copy of the vacation rental's current and active certificate of
36 registration with the Florida Department of Revenue for the
37 purpose of collecting and remitting sales taxes, transient
38 rental taxes and any other taxes required by law to be
39 remitted, as applicable;
40
- 41 (4) Proof of the establishment of an account with the Palm Beach
42 County Tax Collector for the payment of tourist development
43 taxes or that payment is arranged through a third party;
44
- 45 (5) Copies of the postings required by Section 34-1323(5) below;
46
47

1 (6) A copy of a sample lease agreement; and
2

3 (7) A completed vacation rental responsible party designation, in
4 the format prescribed by the town, which includes the
5 information required by Section 34-1323(4) below.
6

7 (c) *Registration renewal.* After a vacation rental is initially
8 registered, the registration shall be renewed by October 1st of each year
9 through the execution of a renewal affidavit, in the format prescribed by the
10 Town, and the payment of the renewal fee established by resolution of the
11 Town Council.
12

13 (d) *Registration updates.* Any changes to the information or
14 submittals included with the initial registration must be reported to the Town
15 within thirty (30) days of the occurrence of such changes.
16

17 (e) *Incomplete registration/renewal.* If the registration form or
18 renewal form submitted pursuant to this section is incomplete, the registrant
19 shall be informed of such deficiency and shall have ten (10) days to correct
20 the deficiency.
21

22 (f) *Inspection.* Inspection by the Town to verify compliance with
23 the requirements of the division may be required subsequent to initial
24 registration with the Town and annually after each renewal. Non-
25 compliance with the requirements of this division discovered during any
26 inspection shall be treated as a violation of the Town Code and be
27 processed in accordance with Section 34-1324 below. Failure to allow the
28 Town to inspect the vacation rental within twenty (20) days after the Town
29 notifies the owner or responsible party that the Town is ready to conduct an
30 inspection shall constitute a separate violation of the Town Code and be
31 processed in accordance Section 34-1324 below.
32

33 (g) *Evidence of vacation rental operation.* Advertising, listing or
34 posting a property on the internet, utilizing any mass communication
35 medium or in any publication as being available for use as a vacation rental
36 creates a rebuttable presumption that the owner or operator is utilizing the
37 property as a vacation rental. Nothing set forth herein precludes the Town
38 from presenting other forms of evidence of vacation rental operation.
39

40 (h) *False information.* It shall be unlawful for any person to give
41 any false or misleading information in connection with the requirements and
42 obligations set forth in this section.
43

44 **Sec. 34-1323. Vacation rental standards.**
45

46 No person or entity shall operate a vacation rental within the Town
47 unless such vacation rental complies with the following standards:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

(1) *Minimum life/safety requirements:*

- a. *Swimming pool, spa and hot tub safety.* A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, as set forth in Chapter 515, Florida Statutes.
- b. *Smoke and carbon monoxide (CO) detection and notification system.* If an interconnected and hard-wired smoke and carbon monoxide (CO) detection and notification system is not in place within the vacation rental, then one such system shall be required to be installed and maintained on a continuing basis consistent with the requirements of Section R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code-Residential.
- c. *Fire extinguisher.* A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each floor/level of the dwelling unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.
- d. *Battery powered emergency lighting of primary exit.* Battery powered emergency lighting which provides illumination automatically in the event of any interruption of normal lighting shall be provided for a period of not less than one hour to illuminate the primary exit.
- e. *Emergency egress and maintenance.* Halls, entrances and stairways within a vacation rental shall be clean and ventilated. Hall and stair runners shall be kept in good condition. Rails shall be installed on all stairways and around all porches and steps.
- f. *Local phone service.* A land line with the ability to call 911 shall be available within the vacation rental.

(2) *Maximum occupancy.* Each vacation rental dwelling unit shall comply with the occupancy limitations set forth in the Property Maintenance Code referenced in section 6-104 of this Code, provided, however, that in no event shall maximum occupancy of such dwelling unit exceed two persons per bedroom plus two additional persons.

1 (3) *Lease requirements.* There shall be a written or online lease,
2 rental, tenant or other recorded agreement memorializing
3 each vacation rental tenancy between the owner or
4 responsible party and the occupant(s). The agreement shall,
5 at a minimum, contain the following information:
6

- 7 a. The maximum number of occupants for the unit as
8 specified in subsection (2) above;
9
10 b. The number of parking spaces associated with the
11 vacation rental unit, if applicable, and the location of
12 such spaces;
13
14 c. The names and ages of all persons who will be
15 occupying the unit;
16
17 d. The dates of such occupancy; and
18
19 e. A statement that all occupants must evacuate from the
20 vacation rental following any evacuation order issued
21 by local, state or federal authorities.
22

23 The Town reserves the right to request and receive a copy of
24 any vacation rental lease or rental agreement from the owner
25 or responsible party at any time.
26

27 (4) *Vacation rental responsible party.* Each vacation rental must
28 designate a responsible party to respond to routine
29 inspections as well as non-routine complaints and any other
30 problems related to the operation of the vacation rental. The
31 property owner may serve in this capacity or shall otherwise
32 designate another person eighteen (18) years or older to
33 perform the following duties:
34

- 35 a. Be available by telephone at the listed phone number
36 twenty-four (24) hours per day, seven (7) days per
37 week and be capable of handling any issues relating to
38 the operation of the vacation rental;
39
40 b. If required, be willing and able to come to the vacation
41 rental within two (2) hours following notification from an
42 occupant, the owner, or the Town to address any
43 issues relating to the operation of the vacation rental;
44
45 c. Maintain a record of all lease or rental agreements for
46 the vacation rental;
47

- d. Receive service of any legal notice on behalf of the owners for violation of the requirements set forth in this division; and
- e. Otherwise monitor the vacation rental to ensure compliance with the requirements set forth in this division.

(5) *Minimum vacation rental information required postings.* The vacation rental shall be posted with the following information, either on the back of or next to the main entrance door or on the refrigerator:

- a. The name, address and telephone number of the vacation rental responsible party;
- b. The days of trash pick up and recycling pick up and a notification that all garbage or trash must be placed in a garbage or trash can or other approved garbage receptacle and that all recyclables must be placed in approved recyclable containers;
- c. The location of the nearest hospital;
- d. The location of designated parking spaces/areas, if applicable; and
- e. Notice of restrictions during sea turtle nesting season.
- f. For units located within multi-family buildings more than two (2) stories in height, a building evacuation map (at least 8½ inches by 11 inches) shall be posted on or next to the interior portion of each bedroom door.

(6) *Other regulations.* Vacation rentals must comply with all other regulations, standards and requirements set forth in the Town Code of Ordinances, including, but not limited to, the requirements of Chapter 4 (Animals), Chapter 6 (Buildings and Building Regulations), Chapter 12 (Environment), Chapter 16 (Offenses), Chapter 30 (Traffic and Vehicles), and Chapter 34 (Zoning).

Sec. 34-1324. Violations; remedies; enforcement.

(a) *Violations.* Non-compliance with any provision of this division shall constitute a violation of the Town Code of Ordinances and each day the violation exists shall constitute a separate and distinct violation.

(b) *Remedies and enforcement.* Any violations of this division may be enforced pursuant to Section 1-10 of the Town Code of Ordinances, through the code enforcement process set forth in Chapter 2, Article VI of the Town Code of Ordinances, or through any other manner authorized by law, including, but not limited to, injunctive relief.

(c) *No waiver.* A valid vacation rental registration shall not be construed as a waiver of any of the requirements contained within the Town Code of Ordinances or the Town's Comprehensive Development Plan nor shall such registration be construed as approval of a use or activity that would otherwise be illegal under Florida law or prohibited by the Florida Building Code or the Florida Fire Prevention and Life Safety Code.

Section 3. The provisions of this Ordinance shall become and be made a part of the Code of the Town of Juno Beach, Florida.

Section 4. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of the Ordinance.

Section 5. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. This Ordinance shall become effective immediately upon adoption
FIRST READING this 12th day of December, 2018.

SECOND, FINAL READING AND ADOPTION this 23rd day of January, 2019.

AYE

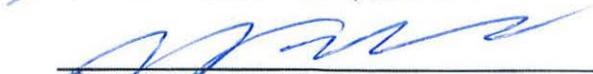
NAY



JASON HASELKORN, MAYOR

AYE

NAY



JIM LYONS, VICE MAYOR

AYE

NAY



FRANK FAHY, VICE MAYOR PRO TEM



AYE

NAY



STUART KATZ, MD, COUNCILMEMBER

AYE

NAY



PEGGY WHEELER, COUNCILMEMBER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

1 ATTEST:

2
3
4
5
6



CAITLIN COPELAND
TOWN CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:



LEONARD G. RUBIN
TOWN ATTORNEY