

ARTICLE XIII. VACATION RENTAL¹

¹Editor's note(s)—Ord. No. 2016-002 , § 2, adopted February 23, 2016, set out provisions intended for use as article XII. For purposes of classification, and at the editor's discretion, these provisions have been included as article XIII.

Sec. 10-275. Purpose.

The city commission finds that certain transitory uses of residential property tend to affect the residential character of the community and may be injurious to the health of the community. Therefore, it is necessary and in the interest of the public health, safety, and welfare to monitor and provide reasonable means for citizens of the City of Wilton Manors to mitigate impacts created by such transitory uses of residential property within the City of Wilton Manors. It is unlawful for any owner of any property within the geographic bounds of the City of Wilton Manors, Florida, to rent or operate a vacation rental of residential property contrary to the procedures and regulations established in this article.

(Ord. No. 2016-002 , § 2, 2-23-16; Ord. No. 2019-009 , § 2, 9-24-19)

Sec. 10-276. Definitions.

For the purpose of this article, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined shall be given their meaning as provided in part 1, article 10 of the ULDR.

Garbage shall be defined in section 13-1 of the Code of Ordinances.

Permanent residence shall mean the place where a person has a true, fixed, and permanent home and principal establishment to which, whenever absent, has the intention of returning. A person may have only one permanent residence at a time; and, once a permanent residence is established in a foreign state or country, it is presumed to continue until the person shows that a change has occurred. The establishment of a permanent residence in the City of Wilton Manors is a factual determination to be made by the Broward County Property Appraiser and evidence of the granting of homestead exemption by the property appraiser shall be prima facie evidence of the establishment of a permanent residence.

Residential property shall mean single-family residential, town homes, two-family residential (duplex) and multi-family residential.

Responsible party shall mean the owner or the person designated by the owner of the property to be called upon to answer for the maintenance of the property and the conduct and acts of occupants of residential properties.

Transient occupant shall mean any person, or guest or invitee of such person who occupies or is in actual or apparent control or possession of residential property for a period of less than thirty (30) days. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the vacation rental is a transient occupant.

Vacation rental shall mean any unit or group of units in a condominium or cooperative or any individually or collectively owned residential property, house or dwelling unit that is rented to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests, but that is not a timeshare project.

(Ord. No. 2016-002 , § 2, 2-23-16; Ord. No. 2019-009 , § 2, 9-24-19)

Sec. 10-277. Registration required.

- (a) It is unlawful for any person to allow another person to occupy any residential property as a vacation rental within the City of Wilton Manors, or offer such rental services within the City of Wilton Manors, unless the

person has registered the vacation rental property with the City of Wilton Manors and has been issued a certificate of compliance in accordance with the provisions of this article.

- (b) A person may allow another person to occupy any residential property as a vacation rental without the issuance of a certificate of compliance if:
- (1) The residential property has an effective and valid license as a vacation rental classification of public lodging establishment issued by the Florida Department of Business and Professional Regulations prior to June 1, 2016; and,
 - (2) The residential property is not in violation of any section of the Code of Ordinances of the City of Wilton Manors; and,
 - (3) An application for registration of the residential property as a vacation rental has been filed pursuant to Section 10-278 and all applicable fees have been paid; and
 - (4) That said occupancy was scheduled prior to June 1, 2016 as evidenced by a written and validly executed rental agreement or contract provided to the city manager or the city manager's designee no later than August 1, 2016.
- (c) Notwithstanding anything contained in this article to the contrary, the following rentals are exempt from the provisions of this article:
- (1) A bed and breakfast which has been granted conditional use approval pursuant to section 050-050 of the ULDR; and
 - (2) If the owner of the vacation rental resides on the subject property as their permanent residence.
- (Ord. No. 2016-002 , § 2, 2-23-16; Ord. No. 2019-009 , § 2, 9-24-19)

Sec. 10-278. Application for registration.

Applications for registration shall set forth at a minimum:

- (1) The legal description of the property offered for rental (i.e., address, lot, folio number, block and subdivision name);
- (2) Name, address, email address, and phone number of owner of said property;
- (3) Name, address, and emergency contact phone number of responsible party for said property, which shall be a twenty-four (24) hour, seven (7) days a week contact number;
- (4) That the phone number for the responsible party will be answered twenty-four (24) hours a day, seven (7) days a week by the responsible party;
- (5) The website address for any and all websites which the property owner advertises the residential property for rent as a vacation rental;
- (6) The legal description of all other property owned by the property owner of the vacation rental located within the City of Wilton Manors (i.e., address, lot, folio number, block and subdivision name);
- (7) Acknowledgements by owner of the following:
 - a. That all vehicles associated with the vacation rental must be parked on hard surface off-street parking provided on the property, and no more than one (1) vehicle per bedroom in the vacation rental shall be permitted;
 - b. That the residential property, or any other property owned by the titled owner of the residential property, is not in violation of any section of the Code of Ordinances of the City of Wilton Manors;

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- c. That there are no unsatisfied liens recorded against the residential property, or any other property owned by the titled owner of the residential property, as a result of any violation of any section of the Code of Ordinances of the City of Wilton Manors;
 - d. That prior to permitting occupancy by a transient occupant, the owner shall confirm that such occupancy is not prohibited by the city's sexual offender and predator residency prohibitions set forth in sections 12-6 through 12-9 of the city's Code of Ordinances;
 - e. That it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in chapter 21 of the Code of Ordinances of the City of Wilton Manors, Noise Control;
 - f. That the owner shall comply with all applicable city, county, state and federal laws, rules, regulations, ordinances and statutes;
 - g. That no garbage container shall be located at the curb for pickup before 6:00 p.m. of the day prior to pickup, and garbage container shall be removed before midnight of the day of pickup;
 - h. That whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance of a property, or, having been authorized, licensed, or invited, is warned by the owner or lessee, to depart the property and refuses to do so, commits the offense of trespass in a structure or conveyance; and
 - i. That other properties are not jointly shared commodities and should not be considered available for use by transient occupants of the property subject of the application.
- (8) Proof of owner's current ownership of the property;
 - (9) Proof of registration with the Florida Department of Business and Professional Regulation of transient public lodging establishment, Broward County Business Tax Receipt, and City of Wilton Manors Business Tax Receipt; and
 - (10) Proof of compliance with section 10-280.

Submission of an incomplete registration application form shall result in rejection of the application.

(Ord. No. 2016-002 , § 2, 2-23-16; Ord. No. 2019-009 , § 2, 9-24-19)

Sec. 10-279. Fees for registration.

The City of Wilton Manors charges reasonable fees for registration to compensate for administrative expenses. The fees for registration shall be provided for, from time to time, by resolution adopted by the city commission of the City of Wilton Manors.

(Ord. No. 2016-002 , § 2, 2-23-16; Ord. No. 2019-009 , § 2, 9-24-19)

Sec. 10-280. Responsible party required.

Whenever any property is required to be registered under this section, the owner shall appoint a natural person who resides within Broward County, Florida, to serve as the responsible party for service of notices as are specified herein, and notices given to the responsible party shall be sufficient to satisfy any requirement of notice to the owner. An initial responsible party shall be designated and name submitted with the application for registration, and the city manager or the city manager's designee shall thereafter be notified in writing of any change of responsible party within fifteen (15) days of such change. Further, it is the affirmative duty of the responsible party to:

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- (1) Inform all guests, in writing, prior to occupancy of the property of applicable City of Wilton Manors ordinances concerning noise, vehicle parking, garbage, residency prohibitions for sexual offenders and common area usage with a copy of the applicable City of Wilton Manors ordinances printed in the English language and posted prominently near the main entrance of the establishment;
 - (2) Maintain all properties under their control in compliance with the occupancy limits, as specified in the Florida Building Code as determined by the building official or the building official's designee and the Code of Ordinances of the City of Wilton Manors, Florida, as determined by the director of community development services or the director of community development services' designee;
 - (3) See that the provisions of this article are complied with and promptly address any violations of this article or any violations of law which may come to the attention of the responsible party;
 - (4) Be available with authority to address and coordinate solutions to problems with the rental of the property twenty-four (24) hours a day, seven (7) days a week;
 - (5) Be situated close enough to the property as to be able to, and shall, respond to emergency calls within one (1) hour of notification;
 - (6) Keep available a register of all guests, which shall be open to inspection by authorized personnel of the City of Wilton Manors at all times; and
 - (7) Maintain the entire property free of garbage and litter, provided however, that this subsection shall not prohibit the storage of garbage and litter in authorized receptacles for collection.

(Ord. No. 2016-002 , § 2, 2-23-16; Ord. No. 2019-009 , § 2, 9-24-19)

Sec. 10-281. False information.

It shall be unlawful for any person to give any false or misleading information in connection with the application for registration required by this article.

(Ord. No. 2016-002 , § 2, 2-23-16; Ord. No. 2019-009 , § 2, 9-24-19)

Sec. 10-282. Minimum requirements for issuance of a certificate of compliance.

The city manager or the city manager's designee may issue a certificate of compliance to the applicant upon proof of the following:

- (1) The owner or responsible party completes the City of Wilton Manors registration application form;
- (2) The registration fee has been paid to the City of Wilton Manors;
- (3) A business tax receipt from the City of Wilton Manors pursuant to chapter 10 of the Code of Ordinances;
- (4) A business tax receipt from Broward County;
- (5) A Florida Department of Business and Professional Regulation license as a transient public lodging establishment;
- (6) An affidavit, demonstrating maintaining initial and on-going compliance with vacation rental standards contained herein, plus any other applicable local, state and federal laws, regulations and standards to include, but not be limited to F.S. ch. 509, and Rules, Chapters 61C and 69A, Florida Administrative Code; and
- (7) The property is not in foreclosure.

Sec. 10-283. Vacation rental standards.

The following standards shall govern the use of any vacation rental as a permitted use:

- (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, F.S. ch. 515. All fences surrounding pools, spas, or other bodies of water, must have gates that are self-closing/self-latching, and all gates shall remain closed when not in use.
 - b. *Sleeping rooms.* All sleeping rooms shall meet the minimum requirements of the Florida Building Code.
 - c. *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 unit, then an interconnected, hard-wired smoke alarm and carbon monoxide (CO) alarm 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. A 10 year lithium battery smoke alarm may be used in lieu of a hardwired smoke alarm. Smoke alarms shall be installed in all sleeping rooms and one of every level of the dwelling per NFPA1-24.3.4.1.1.
 - d. *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 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.
 - e. *Emergency contact/responsible party placard.* An emergency contact/responsible party placard shall be mounted on the wall inside the front door. Information on the emergency contact/responsible party placard shall include, but not be limited to, the name of the emergency contact person/responsible party and a telephone number that is accessible twenty-four (24) hours a day seven (7) days a week.
 - f. *Public safety contact placard.* A placard containing the city's police and fire department names, and their emergency and non-emergency phone numbers shall be mounted on the wall inside the front door.
- (2) *Maximum occupancy.* The following specific site considerations in subsections a. and b. shall limit any vacation rental occupancy to whichever is less:
 - a. The maximum number of transient occupants authorized to stay overnight at any vacation rental shall be limited to two (2) persons per sleeping room as defined under the Florida Building Code, plus two (2) additional persons that may sleep in a common area; or
 - b. The maximum number of persons allowed to gather at a vacation rental shall not exceed one and one-half (1½) times the maximum occupants as shown on the certificate of compliance, and in no event shall a gathering exceed twenty (20) persons on any given property.
- (3) *Solid waste handling and containment.* Based on the maximum transient occupancy permitted, city solid waste containers shall be as required in chapter 16 of this Code. Appropriate screening and storage requirements for solid waste containers shall apply per any development approval and be incorporated into the certificate of compliance. For purposes of this section, no solid waste container

shall be placed at curbside for pickup before 6:00 p.m. on the day prior to pickup, and be removed from curbside no later than midnight the day of pickup.

- (4) *Minimum vacation rental/lease agreement wording.* The vacation rental/lease agreement shall contain the minimum information as provided for in section 10-283.
- (5) *Minimum vacation rental lessee information.* The vacation rental lessee shall be provided with a copy of the information required in section 10-283.
- (6) Designation of a vacation rental responsible party capable of meeting the duties provided in section 10-281.
- (7) *Advertising.* Any advertising of the vacation rental unit shall conform to information included in the vacation rental certificate of compliance and the property's approval, particularly as this pertains to maximum occupancy.
- (8) *Sexual offenders and sexual predators.* It is unlawful to allow another person to occupy any residential property as a vacation rental within the City of Wilton Manors, with the knowledge that it will be occupied by a person prohibited from establishing a permanent residence or temporary residence at said residential property pursuant to section 12-9 of this Code, if such place, structure, or part thereof, trailer or other conveyance, is located within two thousand (2,000) feet of any school, day care center, designated public school bus stop, park playground or other place where children regularly congregate as described in article II, chapter 12 of the Code of Ordinances.
- (9) *Posting of certificate of compliance.* The certificate of compliance shall be posted on the back of or next to the main entrance door and shall include at a minimum the name, address and phone number of the responsible party.
- (10) *Other standards.* Any other standards contained with the Code of Ordinances and the Unified Land Development Regulations of the City of Wilton Manors to include, but not be limited to: Noise, setbacks, stormwater and similar provisions.
- (11) *Video and audio surveillance.* If video and/or audio surveillance systems are used, notice shall be posted at minimum on the wall inside the front door. Video and/or audio surveillance systems are prohibited in areas of a rental where one would reasonably expect there to be privacy. These areas include, but are not limited to, bedrooms, bathrooms, closets, and showers.

(Ord. No. 2016-002 , § 2, 2-23-16; Ord. No. 2019-009 , § 2, 9-24-19)

Sec. 10-284. Initial compliance inspections of vacation rentals.

- (a) An inspection of the dwelling unit for compliance with this section is required prior to issuance of an initial vacation rental certificate of compliance. If violations are found, all violations must be corrected and the dwelling unit must be re-inspected prior to issuance of the initial vacation rental certificate of compliance as provided herein.
- (b) Once issued, a vacation rental unit must be properly maintained in accordance with the vacation rental standards required herein.
- (c) The property owner or vacation rental responsible party is required to schedule an inspection. If the inspector has made an appointment with the property owner or responsible party to complete an inspection, and the responsible party fails to admit the inspector at the scheduled time, the owner shall be charged a "no show" fee in an amount to be determined by resolution of the city commission of the City of Wilton Manors to cover the inspection expense incurred by the City of Wilton Manors.
- (d) As part of the initial inspections, the city shall inspect the smoke and carbon monoxide (CO) detection and notification system and inspect the fire extinguishers to ensure they are in good working order.

(e) If the inspector(s) is denied admittance by the vacation rental responsible party or if the inspector fails in at least three (3) attempts to complete an initial inspection of the rental unit, the inspector(s) shall provide notice of failure of inspection to the owner to the address shown on the vacation rental registration application.

(1) For the initial inspection, the notice of failure of inspection results in the certificate of compliance not being issued; the vacation rental is not permitted to operate without a valid certificate of compliance.

(Ord. No. 2016-002 , § 2, 2-23-16; Ord. No. 2019-009 , § 2, 9-24-19)

Sec. 10-285. Registration not transferable.

No registration issued under this article shall be transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

(Ord. No. 2016-002 , § 2, 2-23-16; Ord. No. 2019-009 , § 2, 9-24-19)

Sec. 10-286. Expiration of registration.

All registrations issued under the provisions of this article shall be valid for no more than one (1) year, and all registrations shall expire on September 30th of each year. Registrations that are not renewed by October 1 of each year may be renewed up to the last business day in September of that year without paying a late renewal fee. Owners and responsible parties who do not renew their registrations before the last business day in September shall pay the appropriate late renewal fee as established by resolution of the city commission of the City of Wilton Manors.

(Ord. No. 2016-002 , § 2, 2-23-16; Ord. No. 2019-009 , § 2, 9-24-19)

Sec. 10-287. Revocation.

(a) Any certificate of compliance issued pursuant to this article may be denied, revoked, or suspended by the city manager or the city manager's designee upon the adjudication of a violation of this article, any City of Wilton Manors ordinance, or state law by the responsible party, property owner, transient occupant attributable to the property for which the certificate of compliance is issued. Such denial, revocation or suspension is in addition to any other penalty provided herein.

(b) *Offenses/violations.*

(1) Non-compliance with any provisions of this article shall constitute a violation of this article.

(2) *Separate violations.* Each day a violation exists shall constitute a separate and distinct violation, except that occupancy violations shall be governed by subsection 10-287(5).

(c) *Remedies/enforcement.*

(1) Violations of this article shall be subject to penalties as part of a progressive enforcement program with the primary focus on compliance and compatibility with adjoining properties, versus penalties and legal actions. To accomplish a safe and effective vacation rental program it is key that vacation rental responsible parties are responsive and responsible in the management of the property for compliance with this section. Code enforcement activities will be in accordance with F.S. ch. 162 and the Code of Ordinances of the City of Wilton Manors.

(2) *Additional remedies.* Nothing contained herein shall prevent the City of Wilton Manors from seeking all other available remedies which may include, but not be limited to, suspension or revocation of a

vacation rental certificate of compliance, injunctive relief, liens and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

- (d) *Suspension of vacation rental certificate of compliance.* In addition to any fines and any other remedies described herein or provided for by law, a special magistrate may suspend a vacation rental certificate of compliance in accordance with the following:
- (1) *Suspension time frames.*
- a. Upon a third violation of this article the vacation rental certificate of compliance shall be suspended for a period of seven (7) calendar days.
 - b. Upon a fourth violation of this article the vacation rental certificate of compliance shall be suspended for a period of thirty (30) calendar days.
 - c. For each additional violation of this article the vacation rental certificate of compliance shall be suspended for an additional thirty (30) calendar days up to a maximum period of twelve (12) months. For example, the fifth violation shall be for sixty (60) calendar days; the sixth violation shall be for ninety (90) calendar days, and so on.
- (2) *Suspension restrictions.* A vacation rental may not provide transient occupancy during any period of suspension of a vacation rental certificate of compliance.
- a. The suspension shall begin immediately following notice, commencing either:
 1. At the end of the current vacation rental lease period; or
 2. Within thirty (30) calendar days, whichever date commences earlier, or as otherwise determined by the special magistrate.
 - b. Operation during any period of suspension shall be deemed a violation pursuant to this article and shall be subject to daily fine, up to one thousand dollars (\$1,000.00) or to the maximum amount as otherwise provided in Florida Statutes for repeat violations, for each day that the vacation rental operates during a period of violation.
- (e) *Number of violations.* For purposes of this section only, violations shall be considered per the rental period or per every seven (7) days, whichever is less and for only those violations in which a code enforcement citation or criminal charge was issued. Violations could potentially occur over multiple times over the same rental period.

(Ord. No. 2016-002 , § 2, 2-23-16; Ord. No. 2019-009 , § 2, 9-24-19)

Sec. 10-288. Complaints.

Whenever a violation of this article occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the city manager or the city manager's designee. The city manager or the city manager's designee shall promptly record such complaint, investigate, and take action thereon in accordance with this article and article III, division 2 of chapter 2 of the Code of Ordinances of the City of Wilton Manors, Florida.

(Ord. No. 2016-002 , § 2, 2-23-16; Ord. No. 2019-009 , § 2, 9-24-19)

Sec. 10-289. Enforcement.

The provisions of this article shall be enforced as provided in chapter 2, article III, division 2 — Code Compliance Special Magistrate, Code of Ordinances of the City of Wilton Manors, Florida.

(Ord. No. 2016-002 , § 2, 2-23-16; Ord. No. 2019-009 , § 2, 9-24-19)

Secs. 10-290—10-299. Reserved.