

ORDINANCE NO. 03-25

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING CHAPTER 78. ZONING. ARTICLE XIV. VACATION RENTALS. AT SECTIONS 78-891 "VACATION RENTAL PERMIT APPLICATION"; AND SECTION 78-893 "VACATION RENTAL STANDARDS"; IN ORDER TO ACCURATELY CONFORM THESE PROVISIONS TO BUILDING AND FIRE **PREVENTION** CODES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78. ZONING. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE; A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village Council of the Village of Tequesta has previously adopted regulations for the registration, inspection, and operation of vacation rentals within the Village and has codified these regulations at Village Code Chapter 78, Article XIV; and

WHEREAS, the upon the recommendation of the Building Official and the Village Attorney, the Village Council desires to amend and update its vacation rental regulations and align certain language in the Village's code with parallel language in the Florida Building Code and Fire **Prevention** Code; and

WHEREAS, the Village Council of the Village of Tequesta has determined that the adoption of these revisions to its vacation rental regulations will serve to promote and protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, THAT:

Section 1: Chapter 78. Zoning. of the Code of Ordinances of the Village of Tequesta is hereby amended at Article XIV. Vacation Rentals, to align certain language in the Village's code with parallel language in the Florida Building Code and Fire **Prevention** Code. Additions are denoted with double underline and deletions denoted with ~~strike through~~. Section 78-891 shall hereafter read as follows:

Sec. 78-891. - Vacation rental permit application.

Every vacation rental owner or operator shall register with the village by submitting to the building department a completed vacation rental permit application in a form promulgated

by the village, together with registration and inspection fees in amounts established by resolution of the village council, which amounts may be amended from time to time. A separate permit application form with separate registration and inspection fees shall be required for each vacation rental unit.

(1) *Permit application.* A complete vacation rental permit application form shall include the following:

- a. Property card printout from the county property appraiser database;
- b. Current transient public lodging establishment license issued by the state department of business and professional regulation;
- c. Current certificate of registration with the state department of revenue for remittance of applicable state taxes;
- d. Current county business tax receipt;
- e. Total number of sleeping rooms at the vacation rental unit; maximum number of guests that can stay overnight at the vacation rental unit at one time (maximum occupancy is eight in four or more sleeping rooms);
- f. Maximum number of individuals that may gather at or occupy vacation rental unit property at one time (maximum number of individuals permissible is one and one-half times the maximum occupants authorized to stay overnight at the vacation rental unit, and in no case more than 12 individuals);
- g. Homeowners or property owners association approval to operate the vacation rental unit, if applicable;
- h. Floorplan of the vacation rental unit which includes stairways, hallways, bedrooms, exists, and which identifies all fire extinguisher locations;
- i. Site survey which includes the residential unit, any swimming pools, hot tubs, spas, and fencing;
- j. A copy of a sample lease agreement;
- k. A completed vacation rental responsible party designation, in the format prescribed by the village, which includes the information required by section 78-892 below; and
- l. Proof that the vacation rental has satisfied the inspection requirements as provided in section 78-894 of this Code.

(2) *Modification of permit.* An application for modification of a vacation rental permit shall be required in the event that any of the following changes to the vacation rental are proposed:

- a. An increase in the gross square footage;
- b. An increase in the number of bedrooms;
- c. An increase in the maximum occupancy;
- d. An increase in the number of parking spaces, or a change in the location of parking spaces;
- e. An increase in the number of bathrooms;
- f. Any other material modifications that would increase the intensity of use or implicate the Florida Building Code or Fire Prevention Code.

(3) *Duration of permit.* A vacation rental permit issued under this article shall expire each September 30 and may be annually renewed thereafter if the property is in compliance with this article.

(4) *Renewal of permit.* A vacation rental permit renewal shall be completed by September 30 of each year, through the execution of a renewal affidavit and inspection in the format prescribed by the village, and the payment of the renewal fee as established by the village. A property owner may apply for renewal of a vacation rental permit beginning July 1 prior to the expiration of the annual license.

(5) *Incomplete permit application/renewal.* If the permit application or renewal form submitted pursuant to this article is incomplete, the applicant shall be informed of such deficiency and shall have ten days to correct the deficiency.

(6) *Non-transferability and non-assignability of permit.* Vacation rental permits issued under this article are non-transferrable and non-assignable. If the ownership of any vacation rental property is sold or otherwise transferred, the new owner is required to apply for new permits.

(7) *Permit application or renewal fees.* The village charges reasonable administrative fees to process a vacation rental permit application or renewal, the amount of which shall be established by resolution of the village council. Fees are non-refundable.

(8) *False or misleading information.* It shall be unlawful for any person to give false or misleading information in connection with any application for, modification, or renewal of

a vacation rental permit as required by this article. Vacation rental permit applications shall be sworn to under penalty of perjury. Any false statements made in an application shall be a basis for the revocation of any permit issued pursuant to such application.

Section 2: Chapter 78. Zoning. of the Code of Ordinances of the Village of Tequesta is hereby amended at Article XIV. Vacation Rentals, to align certain language in the Village's code with parallel language in the Florida Building Code and Fire **Prevention** Code. Additions are denoted with double underline and deletions denoted with ~~strike through~~. Section 78-893 shall hereafter read as follows:

Sec. 78-893. - Vacation rental standards.

No person or entity shall own or operate a vacation rental within the village unless such vacation rental complies with the following standards:

(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 F.S. ch. 515.

b. *Smoke and carbon monoxide (CO) detection and notification system.* Each vacation rental unit must be outfitted with an operational smoke and carbon monoxide (CO) detection notification system. Every smoke and carbon monoxide (CO) detection notification system must be hard-wired, **or have a sealed ten-year battery**. A smoke alarm shall be installed in each sleeping room. A carbon monoxide alarm shall be installed outside each sleeping room and adjacent to the garage door. All smoke and carbon monoxide alarms shall be interconnected.

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. *Local telephone service.* **At least one landline telephone with the ability to call 911 shall be available in the main level common area in the vacation rental. Either one landline**

telephone with the ability to call 911, or one telephone with voice over internet protocol (VOIP) with the ability to call 911 shall be available within the vacation rental.

e. *Secondary means of escape.* Every sleeping room and living area shall have a secondary means of escape. It shall be a minimum of one doorway or one window directly to the exterior. The window shall have a clear opening compliance with the following:

1. Clear width shall be no less than 20 inches.
2. Clear height shall be no less than 24 inches.
3. Opening shall be no less than 5.7 square feet.
4. Opening shall be no more than 44 inches above the floor.

f. *Battery Powered Emergency Lighting.* Each vacation rental dwelling unit shall provide battery powered emergency exit lighting.

g. *Unit Address Requirements.* Each vacation rental shall affix address numbering to the building visible from the road with contrasting colors to the building. All numbering shall be a minimum of six (6) inches in height.

(2) *Maximum occupancy.*

a. Each vacation rental dwelling unit shall comply with the occupancy limitations set forth in the "Light, Ventilation, and Occupancy Limitations" referenced in appendix B of the Code of Ordinances, provided however that:

1. The maximum number of transient occupants authorized to stay overnight at any vacation rental unit shall be limited to two persons per sleeping room, and a maximum total occupancy of eight individuals in four or more sleeping rooms. The number of sleeping rooms shall be confirmed by on-site inspection by a representative of the village, and
2. The maximum number of persons allowed to gather at or occupy a vacation rental shall not exceed one and one-half times the maximum occupants authorized to stay overnight at that site, as shown on the vacation permit application, and in no event shall a gathering exceed twelve individuals.

(3) *Solid waste handling and containment.* Solid waste and recycling collection services shall be provided pursuant to chapter 74, article III of the Code of Ordinances. For purposes of this section, a solid waste or recycling container shall not be placed at

curbside before 6:00 p.m. of the day prior to solid waste pickup, and each solid waste or recycling container shall be removed from curbside before midnight of the day of pickup.

(4) *Designation of responsible party.* Each vacation rental owner or operator shall designate a responsible party capable of meeting the duties provided in section 78-892.

(5) *Rental or lease agreement requirements.*

a. There shall be a written or online lease, rental, tenant or other recorded agreement memorializing each vacation rental tenancy between the owner/ operator or its responsible party and the occupant(s). The agreement shall, at a minimum, contain the following information:

- 1.The maximum number of occupants for the unit as specified in subsection (2) above;
- 2.The number of parking spaces associated with the vacation rental property or dwelling unit, if applicable, and a sketch or photograph showing the location of such spaces;
- 3.The names and ages of all persons who will be occupying the property or unit;
- 4.The dates of such occupancy; and
- 5.A statement that all occupants must evacuate from the vacation rental following any evacuation order issued by local, state or federal authorities.

b. The village reserves the right to request and receive a copy of any vacation rental lease or rental agreement from the owner/operator or responsible party at any time.

(6) *Vacation rental unit posting requirements.*

a. The vacation rental unit shall be posted with the following information next to the main entrance door:

1. The name, address and telephone number of the vacation rental responsible party;
- ~~2. The days and times of solid waste and recycling pick up and a notification that all garbage or trash must be placed in a garbage or trash can or other approved solid waste receptacle and that all recyclables must be placed in approved recyclable containers;~~
3. ~~The location of the nearest hospital; and~~
4. ~~The location of designated parking spaces/areas, if applicable.~~

b. There shall also be posted, next to the interior door of each bedroom, a building evacuation map (at least 8 ½ inches by 11 inches).

(7) *Other regulations.* Vacation rentals must comply with all other regulations, standards and requirements set forth in the Village Code of Ordinances, including, but not limited

to, the requirements of chapter 10 (animals), chapter 14 (buildings and building regulations), chapter 30 (environmental control; nuisances), chapter 46 (motor vehicles and traffic), chapter 54 (offenses), and chapter 78 (zoning).

Section 3: Each and every other section and subsection of Chapter 78. Zoning . shall remain in full force and effect as previously adopted.

Section 4: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 5: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 6: Specific authority is hereby granted to codify this Ordinance.

Section 7: This Ordinance shall take effect immediately upon adoption.