

1 **ORDINANCE NO. 2023-008**

2
3 **AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES,**
4 **FLORIDA; AMENDING THE TOWN OF SOUTHWEST RANCHES**
5 **UNIFIED LAND DEVELOPMENT CODE ("ULDC"),** ARTICLE 45,
6 **"AGRICULTURAL AND RURAL DISTRICTS," 045-030, "VACATION**
7 **RENTALS" BY CREATING SUBSECTION (X) TO PROMULGATE**
8 **RULES CONCERNING THE UTILIZATION OF SINGLE-FAMILY**
9 **RESIDENCES AS VACATION RENTALS; PROVIDING FOR**
10 **LICENSURE; PROVIDING FOR CODIFICATION; PROVIDING FOR**
11 **CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING**
12 **FOR AN EFFECTIVE DATE.**

13 **WHEREAS,** the Town of Southwest Ranches ("Town") was founded to preserve
14 its rural character and the rural lifestyle of its residents; and

15 **WHEREAS,** pursuant to Article VIII, Section 2 of the Florida Constitution and
16 Chapter 166 of the Florida Statutes, the Town of Southwest Ranches is authorized to
17 protect the public health, safety, and welfare of its residents and has the power and
18 authority to enact regulations for valid governmental purposes that are not inconsistent
19 with general or special law;

20 **WHEREAS,** vacation rentals have caused many problems within residential
21 neighborhoods;

22 **WHEREAS,** the State of Florida has preempted municipalities from enacting
23 certain, but not all, regulations concerning vacation rentals;

24 **WHEREAS,** the proposed ordinance creation is within the police power of the
25 Town of Southwest Ranches;

26 **WHEREAS,** the Town Council finds that this Ordinance is necessary for the
27 preservation of the public health, safety, and welfare of the Town's residents; and

28 **WHEREAS,** the Town Council finds it necessary to safeguard the residential
29 character of the Town's neighborhoods by regulating the utilization of single-family
30 dwellings for nonresidential use within the Town's residential zoning districts; and

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WHEREAS, the Town Council deems it to be in the best interest of the citizens and residents of the Town of Southwest Ranches to adopt the proposed ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby incorporated herein and made a part hereof.

Section 2. Article 45, "Agricultural and Rural Districts," Section 045-030, "General Provisions," is hereby amended to create Subsection (X) as set forth in Exhibit "A."

Section 3: Codification. The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

Section 4: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 5: Severability. If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 6: Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

[Signatures on Following Page]

1 **PASSED ON FIRST READING** this 24th day of August, 2023 on a motion made
2 by Council Member Hartmann and seconded by Council Member Kuczenski.

3 **PASSED AND ADOPTED ON SECOND READING** this 14th day of September,
4 2023, on a motion made by Chm. Hartmann and seconded by Chm. Jablonski.

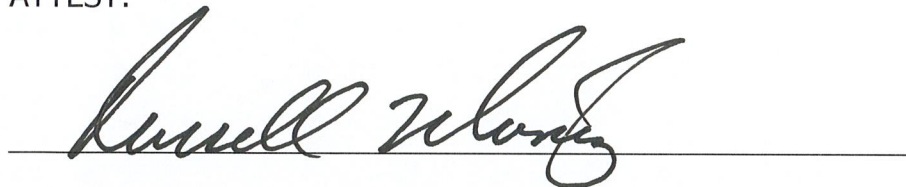
Breitkreuz	<u>yes</u>
Allbritton	<u>yes</u>
Hartmann	<u>yes</u>
Jablonski	<u>yes</u>
Kuczenski	<u>yes</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>



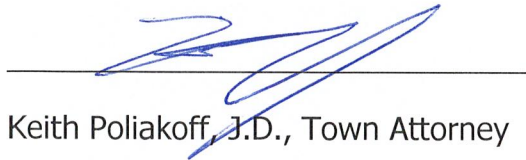
Steve Breitkreuz, Mayor

ATTEST:



Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:



Keith Poliakoff, J.D., Town Attorney

1001.2377.01

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ULDC

Article 45

Section 045-030 Agricultural and Rural Districts

Section (X) - 1. - Purpose

The Town Council finds that certain transitory uses of residential property tend to affect the residential character of the community and are 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 residents of the Town of Southwest Ranches to mitigate impacts created by such transitory uses of residential property within the Town. It is unlawful for any owner of any property within the Town of Southwest Ranches to rent or operate a vacation rental of residential property contrary to the procedures and regulation established in this Article and applicable state statutes.

Sec. (X) - 2. – 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.

Vacation rental shall mean any individually or collectively owned single family, two family, three family, or four family house or dwelling unit that is rented to transient occupants 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 transient occupants, and also a transient public lodging establishment as defined in F.S. § 509.013 but that is not a timeshare project.

Sec. (X) – 3. Registration Required

(a) It is unlawful for any person, entity, or property owner to allow another person to occupy any residential property that is a single family, two family, three family, or four family house or dwelling unit as a vacation rental within the Town unless the owner of the property or his/her authorized representative has registered the property as a

vacation rental property with the Town and the vacation rental property has been issued a certificate of compliance in accordance with the provisions of this article.

(b) A vacation rental shall be registered annually ~~on or before the thirtieth (30) day of September.~~

(c) The advertising or advertisement for the rental of a single family, two family, three family, or four family house or dwelling unit for periods of time less than thirty (30) days is direct evidence of offering a property for rent as a vacation rental in violation of subsection ~~16-126 X~~(a) and the advertising or advertisement is admissible in any enforcement proceeding. The advertising or advertisement evidence raises rebuttable presumption that the residential property named in the notice of violation or any other report or as identified in the advertising or advertisement was used in violation of subsection ~~16-126 X~~(a).

Sec. (X) - 4. Application for registration

(a) A separate application for registration of a vacation rental shall be made to the Code Compliance Official or his/her designee for each building proposed for use as a vacation rental. The application shall include:

- (1) The property address;
- (2) The name, address, electronic mail address, and telephone number of the owner of said property;
- (3) The name, address, electronic mail address, and emergency contract telephone number of the responsible party for said property;
- (4) The maximum number of occupants the vacation rental will have, both overnight and at all times other than overnight.
- (5) Acknowledgement by the owner of the following:
 - (a) That all vehicles associated with the vacation rental must be parked in compliance with all Town, County, and State laws and regulations;
 - (b) That it shall be unlawful to allow or make any noise or sound as set forth in Chapter 15, Noise;
 - (c) That each transient occupant party is provided a copy of Chapter 15, Noise;
 - (d) That each agreement between the owner and transient occupant shall identify all transient occupants of the vacation rental property ~~and~~

(e) That the owner shall comply with all applicable Town, County, state, and federal laws, rules, regulations, ordinances, and statutes; and

(f) That a list of Town regulations, to include those identified in the noise ordinance, and solid waste and recycling rules were provided to the lessee.

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- (6) Proof of owner's current ownership of the property;
- (7) Proof of registration with the Florida Department of Revenue for sales tax collection and Broward County for Tourist Development Tax;
- (8) Proof of licensure with the Florida Department of Business and Professional Regulation for transient public lodging establishments;
- (9) Proof of vacation rental home insurance

Sec. (X) - 5. - Fees for registration

The Town 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 Town Council. Fees are non-refundable.

Sec. (X) - 6. – False information

It shall be unlawful for any person to give any false or misleading information in connection with any application for registration, modification, or renewal of a vacation rental as required by Town code. Any false statements made in an application may be a basis for the revocation of any license issued pursuant to such application.

Sec. (X) - 7. – Vacation rental standards

The following standards shall govern the use of any vacation rental required to be registered within the Town of Southwest Ranches Code of Ordinances:

(a) Minimum life/safety requirements:

(1) Swimming pool, spa, and hot tubs shall comply with the current standards of the Residential Swimming Pool Safety Act, F.S. ch. 515.

(2) All dwelling units shall meet the minimum requirements of the Florida Building Code.

(3) A smoke and carbon monoxide (CO) detection and notification system within the vacation rental unit shall be interconnected, hard-wired or battery powered, professionally installed, and professionally monitored. The smoke and carbon monoxide (CO) detection and notification system shall be installed and continually maintained consistent with the requirements of Section R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code—Residential.

(4) A natural gas detection and notification system, if the vacation rental utilizes natural gas, shall be installed and maintained.

(5) 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.

(6) That all vehicles associated with the vacation rental must be parked within a driveway located on the subject property unless the residential home or unit has designated street parking.

(b) Maximum occupancy.

(1) The maximum number of transient occupants authorized to stay overnight at any vacation rental shall be limited to two (2) persons per sleeping room. The number of sleeping rooms shall be confirmed by on-site inspection by a representative of the Town, and

(2) The maximum number of persons allowed to gather at or occupy a vacation rental shall not exceed one and one-half (1 ½) times the maximum occupants authorized to stay overnight at that site, as shown on the certificate of compliance, and in no event shall a gathering exceed twenty (20) persons. This subsection b. shall not apply to owner-occupied vacation rentals when the property owner is physically present on the site during the gathering, and

(3) Up to four (4) persons under thirteen (13) years of age are exempt from and shall not count towards the occupancy limits set in subsections a. and b. above.

(c) The name, phone number, and email of a designated responsible party.

(d) The certificate of compliance shall be posted on the back of or next to the interior of the main entrance door and shall include at a minimum the name, address and telephone number of the responsible party, and the maximum occupancy of the vacation rental.

Sec. (X) 8. - Initial and routine 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 herein and will be re-inspected annually. For an inspection, all violations must be corrected and re-inspected within thirty (30) calendar days. Failure to correct such inspection deficiencies in the timeframes provided shall result in the suspension of the vacation rental certificate of compliance until such time as the violations are corrected and re-inspected.

(c) The inspections shall be made by appointment with the vacation rental responsible party. If the inspector has made an appointment with the responsible party to complete an inspection, and the responsible party fails to admit the officer at the scheduled time, the owner shall be charged a "no show" fee in an amount to be determined by resolution of the Town Council to cover the inspection expense incurred by the Town.

(d) 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 or subsequent inspection of the rental unit, the inspector(s) shall provide notice of failure of inspection to the owner to the address shown on the existing vacation rental certificate of compliance or the application for vacation rental.

(1) For an 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.

(2) For a subsequent inspection, the notice of failure of inspection is considered a violation and is subject to enforcement remedies as provided herein.

(e) The Town Council may, by resolution, prescribe the circumstances under which the inspections required by this section may be waived.

Sec. (X) 9. - 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.

Sec. (X) 10. - Expiration of registration and certificates of compliance.

(a) All registrations for which a certificate of compliance has been issued under the provisions of this article shall be valid for no more than one (1) year, and all registrations and certificates of compliance shall expire one year from date of issuance. The application for renewal must be submitted no later than sixty (60) days prior to the expiration date. Late renewal fees shall be established by resolution of the Town Council of the Town of Southwest Ranches and shall be charged to an application for renewal submitted prior to the expiration date but after the sixty (60) days required by this section. All applications

for renewal received after the expiration date shall be processed as a new application and subject to all applicable fees.

Sec. (X) 11. - Penalties, offenses, and revocation.

(a) Any certificate of compliance issued pursuant to this article may be denied, revoked, or suspended by the Town Administrator or his or her designee upon the adjudication of a violation of this article, any Town ordinance, or state law by the responsible party, property owner or transient occupant attributable to the property for which the certificate of compliance is issued. Such denial, revocation or suspension is in addition to any penalty provided herein. An advertisement of the property for purposes of a Vacation Rental shall be deemed sufficient evidence of the use of that property as a Vacation Rental for purposes of enforcing all sections of this Chapter. Citations, as well as other means of enforcement, may be issued to the property owner, the Vacation Rental representative, the tenant, or any combination of the three.

(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 violations of subsection (X) - 7(b), regarding occupancy, shall constitute a single violation for a rental period.

(c) Remedies/enforcement.

(1) Any person violating any of the provisions of this article may be issued a Notice of Violation by the Town of Southwest Ranches Code Enforcement or Police Department. Each violation shall carry a maximum civil penalty of up to five hundred dollars (\$500) per violation, plus any applicable administrative costs or fees. A Town of Southwest Ranches Code Enforcement Officer or Police Officer is authorized to issue a citation and not a warning upon first offense.

(2) Nothing contained herein shall prevent the Town 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) 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 shall be suspended for a period of one hundred eighty (180) calendar days.

b. Upon a fourth violation of this article the vacation rental certificate shall be suspended for a period of three hundred sixty-five (365) calendar days.

c. For each additional violation of this article the vacation rental certificate 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 three hundred ninety-five (395) calendar days; the sixth violation shall be for four hundred fifteen (415) calendar days, and so on.

d. A vacation rental certificate of compliance shall be subject to temporary suspension beginning five (5) working days after a citation is issued for a violation of the Florida Building Code, or Florida Fire Prevention Code. Such suspension shall remain in place until the vacation rental is reinspected and it is determined that the violation no longer exists by the Town.

(2) A vacation rental may not provide transient occupancy during any period of suspension of a vacation rental certificate.

a. The suspension shall begin immediately following notice, commencing either:

- i. At the end of the current vacation rental lease period; or
- ii. 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.

c. An application for a renewal may be submitted during the period of suspension; however, no certificate of compliance may be issued for the vacation rental until the period of suspension has expired.

Sec. (X) 12. - Complaints.

Whenever a violation of this article occurs, or is alleged to have occurred, any person may file a written or oral complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Town Administrator or his or her designee. Complaints can be emailed to XXX@southwestranches.gov or at 954-XXX-XXXX. The Town Administrator or his or her designee shall promptly record such complaint, investigate, and take action thereon in accordance with this article and any other applicable chapter of the Town of Southwest Ranches Code of Ordinances.

Sec. (X) 13.. - Enforcement.

The provisions of this article shall be enforced as provided in Article VII, Code Enforcement, of the Town of Southwest Ranches Code of Ordinances.