

## ORDINANCE 546

### **AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, INDIAN RIVER COUNTY, FLORIDA, RELATING TO SHORT-TERM VACATION RENTALS; AMENDING THE LAND DEVELOPMENT CODE CHAPTER 161 SUPPLEMENTAL REGULATIONS TO ESTABLISH REQUIREMENTS FOR SHORT-TERM VACATION RENTALS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Be it ordained by the Town Council of the Town of Indian River Shores, Florida, that the Town's Land Development Code (LDC), Chapter 161 - Supplemental Regulations, is amended to add a new section as follows:

#### **SECTION 1: Short Term Vacation Rentals**

##### **1. Definitions:**

- A. **Vacation rental:** Any residential dwelling which is rented or leased more than three (3) times in a calendar year to a tenant, individual, group of individuals, or party for a period of less than 30 days, or which is advertised or held out to the public as a dwelling which may be regularly rented or leased for a period of less than 30 days. The term "vacation rental(s)" as used in this ordinance shall also mean "short-term vacation rental(s)."
- B. **Designated Responsible Party:** The term "designated responsible party" means the owner, or any person eighteen (18) years of age or older designated by the owner, tasked with responding to requests, complaints, or other problems relating to or emanating from the short-term vacation rental. There shall only be one designated responsible party for each short-term vacation rental. An owner may retain a private property management company to serve as the designated responsible party.

##### **2. Vacation rental registration:**

- A. For purposes of vacation rental regulations, "bedroom" is defined as follows: any room used principally for sleeping purposes and meeting applicable building code requirements for a bedroom.
- B. The owner of a vacation rental unit or the designated responsible party shall obtain a separate registration form required for each vacation rental unit. A registration may be transferred to a new owner upon submission of updated registration information and execution of, and assumption of, registration obligations and conditions on a form provided by the Town Building Department.
  - 1) Registration shall be managed by the Town Building Department.
  - 2) A Vacation Rental Registration Form, supplemental to the Local Business Tax Application, shall be submitted to the Town Building Department.
  - 3) Prior to issuance of a Business Tax Receipt, an inspection of the vacation rental unit shall be conducted by a Town Building Inspector for compliance with the requirements of this section.

C. Registration form submittal requirements are as follows:

- 1) Rental unit owner and designated responsible party contact information (cell phone number, email address, mailing address).
- 2) Documentation that the applicant has obtained the following:
  - a. State DBPR license for vacation rental unit
  - b. Local business tax receipt from the Town of Indian River Shores
  - c. Local tourist tax account from the Clerk of the Circuit Court
- 3) Parking compliance information: number of garage and/or carport spaces, maximum number of bedrooms, maximum number of automobiles allowed, and location of spaces on improved or stabilized driveway.
- 4) Verification that carbon monoxide alarms, if required by code, and state licensed fire protection items have been provided in the vacation rental unit: smoke alarms, emergency lighting, and fire extinguisher.
- 5) Unit interior under air information: square footage and number of bedrooms.
- 6) Acknowledgment form executed and dated by the rental unit owner and/or designated responsible party. The acknowledgment form shall provide information regarding the following Town requirements for vacation rentals:
  - a. Prohibition for commercial events at residence, including weddings
  - b. Special parking regulations
  - c. Noise regulations: Compliance with the provisions of Section 96.06 of the Town Code of Ordinances relating to prohibition of certain noises and further that there be no excessive noise that would cause annoyance to any reasonable person of normal sensitivity from 10:00 p.m. to 7:00 a.m. No amplification system, device or sound system speakers, shall be used outdoors or directed outdoors in a manner that is audible from an adjacent residential property.
  - d. Sea turtle protection and dune protection (for rental units east of State Road A1A).
  - e. Limitation of dock/boat use (for waterfront rental units): No more than two (2) boats moored per dock; dock used by unit owner or renter only; no live-aboard use.
  - f. Fire safety requirements and maximum sleeping occupancy limitations.
  - g. Fines and citation penalties for violations.
- 7) Acknowledgement that the following information will be posted or displayed inside the vacation rental unit prior to inspection of the unit by the Town staff and shall thereafter be continuously posted or displayed inside the vacation rental unit:
  - a. Property address
  - b. Designated responsible party contact information:
    - (1) The name and telephone number of the designated responsible party shall be prominently posted on the front exterior of the short-term vacation rental in a place visible to the public.
    - (2) The designated responsible party must be available at the posted telephone number twenty-four (24) hours a day, seven (7) days a week and capable of directly responding, or directing a designated agent to directly respond, to and

resolve any issues or concerns raised by transient occupants, Town staff, or law enforcement when the short-term vacation rental is occupied. If necessary, the designated responsible party must be willing and able to come to the short-term vacation rental unit within two (2) hours following notification to address any issue that is not capable of being addressed by telephone.

- c. Maximum number of parked automobiles, boats, and approved parking locations
  - d. Trash and recycling pick-up days and protocol for placing and retrieving Waste Management containers
  - e. Noise regulations: No excessive noise that would cause annoyance to any reasonable person of normal sensitivity from 10:00 p.m. to 7:00 a.m.
  - f. Location of smoke alarms, emergency lighting, and fire extinguisher
  - g. Emergency information
  - h. Maximum sleeping occupancy (number of persons)
- 8) Acknowledgment that the applicant has contacted any applicable property owner's association or homeowners/condominium association and is aware of private restrictions, if any, that may affect operation of a vacation rental at the subject residence.
- 9) Alternative Compliance Procedure. A homeowner's association may deliver a letter to the Town Manager certifying that procedures have been adopted within its development for short-term rentals that meet and exceed the provisions of this section. Upon receipt of this certification, the Town Manager shall issue a letter of compliance for short-term rentals within that development and no further registration shall be required.

### **3. Vacation rental local regulations:**

- A. To the extent that there is no conflict with these vacation rental regulations, all Town regulations applicable to a residential unit that is not operated or used as a vacation rental unit shall also apply to a vacation rental unit.
- B. Parking and storage of boats and recreational vehicles shall conform to the requirements of Land Development Code 161.01.
- C. Vacation Rental Special Parking Regulations:
  - 1) For a vacation rental, the number of automobiles that may be parked outside of a carport or garage shall be limited to one automobile per bedroom, plus one (1), not to exceed a total of five (5) automobiles parked outside the carport or garage. Automobiles parked outside of a carport or garage shall be parked within a designated and improved or stabilized driveway that has been permitted and not within any required yard area.
  - 2) For all vacation rentals, all automobiles, except for service and delivery vehicles, shall be parked on-site and shall not be parked within a road right-of-way except within a designated and improved or stabilized driveway that has been permitted.
  - 3) Automobiles parked with a designated and improved or stabilized driveway shall not obstruct any sidewalks or pedestrian walkways.
- D. The overnight maximum sleeping occupancy of a vacation rental unit shall not exceed two (2) persons per bedroom plus two (2) additional persons. Notwithstanding the above,

a maximum (cap) of ten (10) persons shall apply to each unit whether the unit is served by public sewer service or by an on-site sewage treatment and disposal system (septic/drain field system). The unit occupancy limit shall be stated on the local license.

- E. Fire protection items required for the vacation rental license shall be provided in the vacation rental unit. In addition, a carbon monoxide (CO) alarm, when required under Section R315, Carbon Monoxide Alarms of the Florida Building Code-Residential, shall be provided.
- F. Changes in the designated responsible party and/or changes in the designated responsible party's contact information shall be provided to the Building Department within ten (10) days of the change.
- G. The local business tax receipt number, the occupancy limit, the maximum number of vehicles allowed to be parked on site outside any garage or carport, and the noise regulations statement contained in these regulations, shall appear or be stated in any vacation rental unit advertisement or any rental offering associated with a vacation rental unit.
- H. Each year, the applicant shall submit a copy of a valid current state license to the Town Building Department upon renewal of their business tax receipt.

#### **4. Interim Operation of Vacation Rental Unit:**

Because of the length of time it may take to comply with all of the new requirements on this section, all short term vacation rental owners may lawfully operate until January 31, 2020, to obtain a Local Business Tax receipt from the Town and come into full compliance with the new standards and requirements imposed by this section. All short term vacation rental owners who do not comply with this ordinance within the aforementioned period will receive a citation of violation of these regulations. Once cited, short term vacation rental property owners will have thirty (30) days to come into compliance with the regulations or incur a fine set by the Code Enforcement Board.

#### **5. Claim of Contract Impairment:**

It is not the intent of this ordinance to impair any existing contracts, leases, or reservations that are evidenced by writing. An owner who asserts the enacted ordinance amendment impairs a short term vacation rental contract in effect on or before January 31, 2020, shall submit the contract, lease or reservation, evidenced in writing, to the Town Building Department for review and consideration.

#### **6. Enforcement:**

- A. Enforcement of compliance with the administrative provisions of short term vacation rentals shall be by the Town Building Department. If requirements for registration or other administrative provisions are not complied with, a notice of non-compliance shall be mailed to the owner or owner's agent of record giving thirty (30) days to bring the vacation rental unit into compliance. Failure to comply will result in suspension of the right to operate the residence as a short-term vacation rental. During any period of suspension, a unit may not be operated as a short-term vacation rental.
- B. Matters relating to public health and safety including illegal commercial use, noise, parking violations, sanitation issues, and number of persons on site shall be by the Public Safety Department or by the Town Building Department. A written warning of violation shall be



first given and if the violation continues or is repeated, then a notice of violation shall be issued which shall be enforced by referral to the Town Code Enforcement Board.

- C. A first violation of this section, upon referral to the Code Enforcement Board, shall result in a fine levied by the Code Enforcement Board of up to \$250 per day of violation. A subsequent violation shall result in a fine of up to \$500 a day for each day of violation.
- D. In addition to any other remedy available to the Town, the town or any adversely affected party may enforce this section in law or equity. Any citizen of the Town may seek injunctive relief to prevent a violation of this section.

#### **7. Schedule of Regulatory Fees:**

A fee schedule shall be adopted by resolution of Council for initial registration, renewals, transfer of ownership, and for such other reasonable charges of regulation as Council determines necessary.

#### **SECTION 2: Inclusion in the Code of Laws and Ordinances**

The provisions of this Ordinance shall become and be made a part of the Land Development Code of the Town of Indian River Shores. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

#### **SECTION 3: Scrivener's Errors**

Sections of this ordinance may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the Town Manager, or the Town Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

**SECTION 4: Conflict.** All ordinances or parts of ordinances in conflict herewith or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 5: Severability.** If any provision of this ordinance or the application hereof is held invalid, such invalidity shall not affect the other provisions or applications, and to this end, the provisions.


**SECTION 6: Effective Date.** This Ordinance shall take effect upon its final reading and approval.

1<sup>st</sup> Reading: October 24, 2019

Published: November 2, 2019

PASSED AND ADOPTED upon second and final reading at a regular meeting of the Town Council of the Town of Indian River Shores, Florida, on the 14<sup>th</sup> day of November, 2019.

By:

  
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Thomas F. Slater, Mayor

Attest: Laura Aldrich  
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Laura Aldrich, Town Clerk