Ordinance No. 2022 - _1___

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF LAZY LAKE, FLORIDA, CREATING A "VACATION RENTALS" ORDINANCE TO PROVIDE FOR MINIMUM STANDARDS AND REGISTRATION FOR VACATION RENTALS WITHIN THE VILLAGE; PROVIDING FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Lazy Lake (the "Village") Council ("Council") finds it is in the best interest of the Village to regulate vacation rentals within the Town to ensure the residential character of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF LAZY LAKE, FLORIDA:

SECTION 1. Ordinance Created. An ordinance regulating the use of vacation rentals within the Village is hereby created as set forth below:

1. Purpose. The Village Council of the Village of Lazy Lake (the "Village") 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 Village to mitigate impacts created by such transitory uses of residential property within the Village. It is unlawful for any owner of any property within the geographic bounds of the Village to rent or operate a vacation rental of residential property contrary to the procedures and regulations established in this article.

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.

Garbage shall mean all waste and accumulation of animal, fruit or vegetable matter that attends or results from preparation, use, handling, cooking, serving or storage of meats, fish, fowl, fruit, vegetable matter of any nature whatsoever, which is subject to decay putrefaction, and the generation of noxious and offensive gases and odors, or which may serve as breeding or feeding materials for flies and/or other germ-carrying insects.
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 hall 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.

3. Registration.

A. **It is unlawful for any person to allow another person to occupy any residential property as a vacation rental within the Village, or offer such rental services within the Village, unless the person has registered the vacation rental property with the Village and has been issued a certificate of compliance.**

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 July 1, 2022; and,

(2) The residential property is not in violation of any section of the Code of Ordinances of the Village; and,

(3) An application for registration of the residential property as a vacation rental has been filed and all applicable fees have been paid; and

(4) That said occupancy was scheduled prior to July 1, 2022 as evidenced by a written and validly executed rental agreement or contract provided to the Village no later than October 1, 2022.

(5) Each registration is valid for 24 months from the date of issuance.

4. Application and fees for registration.

A. 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 Village (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 Village;
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 Village;
d.That it shall be unlawful to allow or make any noise or sound that exceeds the noise standards contained in the Broward County Code, Chapter 27, Article VII.
e.That the owner shall comply with all applicable city, county, state and federal laws, rules, regulations, ordinances and statutes;
f.That no garbage container shall be located at the curb for pickup before 6:00 p.m. of the day prior to pick up, and garbage container shall be removed before midnight of the day of pickup;
g.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
h.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 and Broward County Business Tax Receipt; and
(10) Proof of compliance with the "Responsible Party" section of this ordinance.

B. Submission of an incomplete registration application form shall result in rejection of the application.
C. The fee for registration shall be set by the Village Council by resolution.
D. Registration is not transferable.

5. Responsible Party. 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 Village 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:
(A) Inform all guests, in writing, prior to occupancy of the property of applicable Village ordinances concerning noise, vehicle parking, garbage, residency prohibitions for sexual offenders and common area usage with a copy of the applicable Village ordinances printed in the English language and posted prominently near the main entrance of the establishment;

(B) Maintain all properties under their control in compliance with the occupancy limits, as specified in the Florida Building Code;
(C) See that the provisions of this ordinance 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;
(D) 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;
(E) Be situated close enough to the property as to be able to, and shall, respond to emergency calls within one (1) hour of notification;
(F) Keep available a register of all guests, which shall be open to inspection by authorized personnel of the Village at all times; and
(G) 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.

6. Minimum requirements for issuance of a certificate of compliance. The Village may issue a certificate of compliance to the applicant upon proof of the following:
(A)The owner or responsible party completes the registration application form;
(B)The registration fee has been paid;
(C) A business tax receipt from Broward County;
(D) A Florida Department of Business and Professional Regulation license as a transient public lodging establishment;
(E) 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; and
(F) The property is not in foreclosure.

7. Minimum standards. The following standards shall govern the use of any vacation rental as a permitted use:
(A) *Minimum life/safety requirements*.
1.*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.
2.*Sleeping rooms*. All sleeping rooms shall meet the minimum requirements of the Florida Building Code.
3.*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.

4.*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.

5.*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.

6.*Public safety contact placard*. A placard containing the closest police and fire department names, and their emergency and non-emergency phone numbers shall be mounted on the wall inside the front door.

(B) *Maximum occupancy*. The following specific site considerations in subsections 1. and 2. shall limit any vacation rental occupancy to whichever is less:

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 as defined under the Florida Building Code, plus two (2) additional persons that may sleep in a common area; OR

2.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.

(C)*Solid waste handling and containment*. 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.

(D)Minimum vacation rental/lease agreement wording. The vacation rental/lease agreement shall contain the minimum standards information set forth in this section.

(E)Minimum vacation rental lessee information. The vacation rental lessee shall be provided with a copy of the information required in this section regarding minimum standards.

(F)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.

(G)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.

(H)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.

8. Inspections and Compliance.

(A)An inspection of the dwelling unit for compliance with this section may be required prior to issuance of an initial vacation rental certificate of compliance or at any time subsequent thereto.
(B) Once issued, a vacation rental unit must be properly maintained in accordance with the vacation rental standards required herein.
(C)If the Village schedules 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 Council to cover the inspection expense incurred.
(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 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.

9. Complaints. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Village.

10. Revocation. Any certificate of compliance issued pursuant to this article may be denied, revoked, or suspended by the Village upon a showing of a violation of any municipal, state or federal law. Such denial, revocation or suspension is in addition to any other penalty provided herein. A vacation rental may not provide transient occupancy during any period of suspension of a vacation rental certificate of compliance.

SECTION 2. **Conflicts.** All ordinances or parts of ordinances in conflict herewith shall be and hereby are repealed.

SECTION 3. **Severability.** If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. **Effective Date.** This Ordinance shall take effect as provided by law.

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PASSED AND ADOPTED BY THE VILLAGE COUNCIL OF LAZY LAKE this 31st day of May 2022 on second reading.

Council Member	Voice Vote		Absent
Ray Nyhuis	Yay X	Nay ___	___
Jeff Grenell	Yay X	Nay ___	___
Carlton Kirby	Yay ____	Nay X	___
Patrick Kaufman	Yay X	Nay ___	___
Robert Strusinski	Yay X	Nay ___	___

SIGNED BY THE MAYOR this 31st day of May, 2022.

Richard Willard
RICHARD WILLARD, Mayor

ATTEST:

Tedra Allen
VILLAGE CLERK

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed Ordinance was received by the Village Clerk and entered into the Public Record this 31st day of May 2022.

Tedra Allen
Village Clerk

ATTY. OK:

AS TO FORM AND LEGAL SUFFICIENCY
Melissa P. Anderson, Esq.