HOLMES BEACH POLICE DEPARTMENT

5801 Marina Drive, Holmes Beach, Florida 34217-1561
941-708-5804 Fax 941-708-5815

Dear Property Owner: September 1, 2016

By now you have read in our local newspapers that the City of Holmes Beach adopted Ordinance 16-02 on February 23, 2016. This ordinance, known as the "vacation rental ordinance" is a stand-alone program managed by Code Enforcement, the purpose of which is to certify the safety of a rental unit. You may pick up a copy of the vacation rental ordinance (Ordinance 16-02) at City Hall, or find it on our web page at www.holmesbeachfl.org

Every property owner who rents a unit on ***a weekly basis*** (known as vacation rental or short term rental) must be compliant with Ordinance 16-02. Property owners who rent seasonally, annually or monthly are not affected by this ordinance. The exception is this: ***All rental units in the R-2*** zoning district must be compliant with this ordinance because presumably you ***could*** rent weekly if you so desired. To become compliant you will (1) Make sure your rental business tax receipt is active and correct, (2) Make application for a vacation rental certificate, (3) Your property will be inspected for life safety issues, (4) You will be issued a certificate decal for your property that will be honored for two years.

We will be offering three town hall meetings for anyone who wishes to learn the implementation process pursuant to the vacation rental ordinance and subsequent certification. ***These meetings will be held in City Commission Chambers at 6:00 pm, Monday, September 12, 2016; Monday, September 19, 2016; and Thursday, September 22, 2016.***

You will learn:

- How to make application to receive a vacation rental certificate
- How the inspections will be scheduled
- What we are inspecting, and why

Keep in mind the following dates:

- September 13, 2016: Initial application process opens
- January 1, 2017: Active rental applications are due
- Week of September 13, 2016 and thereafter: Inspections begin

William L. Tokajer
Chief of Police

William L. Tokajer
Chief of Police

130th SESSION

ORDINANCE 16-02

AN ORDINANCE OF THE CITY OF HOLMES BEACH, FLORIDA ADOPTING A NEW CHAPTER 4 IN THE CODE OF ORDINANCES OF THE CITY OF HOLMES BEACH TO BE TITLED, "REGULATION OF VACATION RENTAL UNITS"; PROVIDING FOR INTENT; PROVIDING FOR A GENERAL FRAMEWORK FOR THE REGULATION OF VACATION RENTAL UNITS; PROVIDING FOR DEFINITIONS; PROVIDING FOR FINDINGS OF FACT;PROVIDING A REQUIREMENT FOR A VACATION RENTAL CERTIFICATE; PROVIDING REQUIREMENTS FOR APPLICATIONS; PROVIDING STANDARDS AND REQUIREMENTS FOR VACATION RENTAL UNITS; PROVIDING REQUIREMENTS FOR VACATION RENTAL PARKING; PROVIDING REQUIREMENTS FOR ACCESSORY USES FOR VACATION RENTAL UNITS; PROVIDING FOR USE OF AGENTS BY VACATION RENTAL PROPERTY OWNERS; PROVIDING FOR OCCUPANCY LIMITS; PROVIDING FOR ADVERTISING REQUIREMENTS; PROVIDING FOR SIGNAGE REQUIREMENTS; PROVIDING FOR A RECONCILED ACCOUNTING OF LEGAL NONCONFORMITIES AGREED UPON BETWEEN THE PROPERTY OWNER AND THE CODE ENFORCEMENT OFFICER AS OF THE TIME OF INITIAL APPLICATION AND INSPECTION; PROVIDING FOR TRANSITION DURING IMPLEMENTATION PROCESS; PROVIDING FOR FEES ASSOCIATED WITH VACATION RENTAL UNITS APPLICATIONS, INSPECTIONS AND MONITORING; PROVIDING FOR ENFORCEMENT AND FOR PENALTIES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Holmes Beach's Comprehensive Plan requires that the residential and family character of the City be maintained and protected while recognizing the economic benefit resulting from the tourist trade; and

WHEREAS, the Comprehensive Plan limits the number of overnight occupants of a resort housing unit to six (6) persons or two (2) per bedroom whichever is greater; and

WHEREAS, there has been an increase in both the number of residential structures being used for vacation rental purposes in the City and the same such units are occupied as opposed to be vacant or unrented; and

WHEREAS, in Section 509.032, Florida Statutes, the State Legislature has granted authority to local government to regulate vacation rental units; and

WHEREAS, the Commission has deemed it in the best interest of its citizens and residents to adopt regulations for vacation rental units; and

WHEREAS, the Commission has studied this issue, reviewed regulations adopted by other jurisdictions, sponsored focus groups to obtain input from the public and stakeholders, received public comment at numerous work sessions and meetings prior to adopting this ordinance; and

WHEREAS, the Commission has determined that this ordinance is consistent with the Comprehensive Plan and the public health, safety and welfare; and

WHEREAS, the Commission has determined that owners and tenants are entitled to the quiet enjoyment of property as one of the rights of possession; and

WHEREAS, the ordinance has been duly advertised and additional comments solicited at a public hearing prior to its final action.

NOW THEREFORE, be it ordained by the City Commission of the City of Holmes Beach, Florida as follows:

SECTION 1. A new chapter 4 to be entitled "Regulation of Vacation Rental Units" is added to the Holmes Beach Code of Ordinances which chapter shall read as follows:

REGULATION OF VACATION RENTAL UNITS

Section 4.1. Purpose and Intent

The purpose of this ordinance is to establish and enforce standards for vacation rental units in the residential zones of the City in a manner which protects the residential character and quality of life in the neighborhood where the vacation rental units are located while not unduly restricting the owner of the vacation rental unit from use of the vacation rental property. The statutory authority for this regulation is found in Section 509.32(7), Florida Statutes. Further, this vacation rental ordinance shall be construed and implemented to achieve the following intent and purposes of the City Commission:

A. To establish the regulations, procedures and standards for the review and approval of all vacation rental units in the City;
B. To preserve and foster the public health, safety, aesthetics, and general welfare, and to aid in the harmonious and orderly development of the City in accordance with its Comprehensive Plan;
C. To establish a review process that is efficient in terms of time and expense; effective in addressing the impacts of vacation rental units; and equitable with regard to regulations and procedures, while respecting the rights of property owners;
D. To implement the City's Comprehensive Plan;
E. To insure the safety of structures that are used as vacation rental units and/or short term rentals.

Section 4.2. Interpretation

A. In the interpretation and application of this ordinance, all standards, criteria and requirements shall be liberally construed in favor of the purposes and goals of the City of Holmes Beach as set forth in its Comprehensive Plan and deemed neither to limit nor repeal any other lawful regulatory powers of the City.

Where this ordinance conflicts with or overlaps other ordinances or regulations, the more stringent shall prevail.

If any issue arises concerning the application of regulations, definitions, development criteria, performance standards or any other provisions of this ordinance, the Code Enforcement Officer shall be responsible for their interpretation. Responsibility for interpretation by the Code Enforcement Officer shall be limited to standards, regulations and requirements of this ordinance. Such responsibility shall not be construed to substitute for or abrogate any right or responsibilities specified to the Mayor or the City Commission or any board or official named in other sections of the City's Code of Ordinances. The Code Enforcement Officer shall rely upon the goals, objectives and policies adopted in the City of Holmes Beach Comprehensive Plan in making any such interpretation.

B. Administrative decisions of the Code Enforcement Officer, including official interpretations of this ordinance are final decisions. Any party who has been adversely affected by an interpretation made by the Code Enforcement Officer or who has been denied a vacation rental certificate may seek review of such decision by filing a written appeal to the City's Special Magistrate within thirty (30) days after the decision is rendered.

Section 4.3. General Framework.

This ordinance addresses specific issues relevant to use of vacation rental units and also contains appropriate cross references to the City's Land Development Code, and other City ordinances.

Section 4.4. Definitions.

The following rules shall be observed in the application and interpretation of provisions of this ordinance, except when the context clearly requires otherwise:

A. The words "shall", "should" or "must" are mandatory; the word "may" is permissive.

B. Words used or defined in one tense or form shall include other tenses or derivative forms.
C. Words in the singular shall include the plural; words in the plural shall include the singular; words in the masculine shall include the feminine.
D. The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
E. The word "used" or "occupied" includes the words intended, designed or arranged to be used or occupied.
F. In the event of a conflict between the text of this ordinance and any illustrations, captions, figures or other graphic material, the text shall control.
G. Unless specifically defined below, words or phrases used in this ordinance shall have the meaning of common usage, which gives this ordinance its most reasonable application.

Unless the context shall clearly require otherwise, the following terms shall have the following meanings for purposes of this ordinance:

Bedroom: A room or space in which people sleep, which is a minimum of 70 square feet in floor area, and is physically separated from the main living area of a residence, is not a part of the common living area and has a storage closet. (See Ordinance 14-02)

Irreversible Violation: Means any action, deed or accomplishment that is incapable of being reversed.

Repeat Violation: A violation of a provision of this ordinance or other City ordinances by a person or legal entity that has previously been found to be in violation or has previously accepted and paid a citation issued by the City for the same provision of a City code or ordinance within three (3) years prior to the subsequent charge of violation. (See Section 2-117 of the City's Code of Ordinances)

Transient Public Lodging Establishment: Any units, group of units, dwelling, building, or group of buildings within a single complex of buildings which 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.

Vacation Rental Occupancy: Occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttal presumption that, when the dwelling unit occupied is not the primary residence of the guest, the occupancy is transient.

Vacation Rental Occupant: Any person that is present at the vacation rental unit as a lessee or overnight guest of the lessee.

Vacation Rental Unit(s): Any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but that is not a timeshare project. For purposes of this ordinance and the Land Development Code, the term "vacation rental unit(s)" is synonymous with the term "resort housing" and "short term rentals" and is subject to all zoning requirements imposed on resort housing units or short term rentals.

Violation: Shall have the same meaning as set forth in Section 2-117, City's Code of Ordinances. All definitions contained in the City's Land Development Code, Chapter 2-116, Chapter 14, Chapter 30-51, and those following of the City's Code of Ordinances shall apply to this ordinance provided; however, in the event of any conflict, the more stringent shall prevail.

Section 4.5. Application for Vacation Rental Certificate

1. Within 180 days of the effective date of the Vacation Rental Ordinance, the City will establish the process for obtaining a vacation rental certificate. Once the application process is established, the City will notify the owners or agents of properties with existing rental business tax receipts that the Vacation Rental Certificate application process is available. The City will also place a notice in the newspaper that the vacation rental application process is available. All owners of properties used as vacation rental unit shall be required to submit an application for a Vacation Rental Certificate on a form promulgated by the City within ninety (90) days of the notice sent by the City. If an application together with the required application fee is received prior to the deadline, the property owner will be allowed to continue renting the property while the application is being processed by the City and inspections are scheduled; provided the owner has a valid Business Tax Receipt issued by the City. The City will also allow for a reasonable amount of time for the property to come into compliance in the event of a failed inspection.

2. At a minimum, the vacation rental application shall include, but not be limited to the following information:

Property Management

- Name
- Address
- Phone
- Local Emergency and Contact Phone
- E-Mail Address

Property Owner

- Name
- Address

- Phone (including the land line number at the property)
- Local Emergency Contact and Phone
- E-Mail Address

Vacation Rental Unit Address

- Number and Street Address
- The Name of the Vacation Rental Property (e.g. "Mermaid's Hideaway")

Proof of Ownership (one of the following proofs of ownership must be submitted)

- Copy of a Recorded Deed (as an attachment)
- Recent Profile from Property Appraiser (as an attachment)
- Verification of Active Status for Corporate Owners (as an attachment)
- Taxpayer Identification Number for Owners ***not*** U.S. Citizens

Parcel Identification Number (assigned by the County Property Appraiser)

Property Description Type

- Single Family
- Duplex Unit
- Condominium Unit (proof of active condominium association as attachment)

Occupancy

- Number of Bedrooms

Parking

- Number and Location of Onsite Parking Spaces

3. The property owner or an agent of the property owner shall submit a notarized affidavit to the City for each vacation rental unit attesting to the following:
   a. That the property complies with FEMA regulations limiting the use of ground level space;
   b. That the property owner or agent has an active license from the Department of Business and Professional Regulation (DBPR) for use of the property as a public lodging establishment;
   c. That the property owner or agent has an active resale certificate for sales tax issued by the State of Florida;
   d. That the property owner or agent collects and remits the required tourist development tax pursuant to Chapter 212, Florida Statutes;
   e. That the vacation rental property complies with all ordinances of the City of Holmes Beach.

4. Payment of fees as set forth in Section 4.10 below

5. The City has the discretion to request any additional information required to demonstrate compliance with all state laws and City ordinances including but not limited to parking plans, landscaping plans, surveys, etc.

6. The City may revise the application requirements by resolution.

7. The initial application including a satisfactory inspection is valid for two (2) years.

8. A change of ownership of a vacation rental property invalidates the vacation rental certificate of the previous owner, and causes a new application and satisfactory inspection to be obtained.

Section 4.6. Standards and Requirements

1. All vacation rental units, whether single-family homes, duplexes, condominium units, three or four unit complexes, or multiple family complexes, must meet the minimum standards for habitable structures set forth in the Florida Building Code, the Florida Fire Code, the Florida Life Safety Code; and the Land Development Code, City of Holmes Beach.

   a. ***Swimming pool, spa, and hot tub safety.*** An in-ground or above-ground swimming pool, spa, or hot tub offered or made available as an amenity at a vacation rental unit shall comply with current standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes. The property owner or rental agent shall cause the swimming pool drain system, any underwater lighting system, and the electrical pump system of such swimming pools, spas, and hot tubs to be inspected annually by an appropriately licensed technician. Proof of such inspection within the previous twelve (12) months from the date of the request shall be provided to the City upon request.

   b. ***Swimming pool, spa and hot tub screening.*** In all vacation rental units located in the R-2, R-3, and R-4 residential districts and those vacation rental units located in the R-1 district that are vested, in-ground and above-ground swimming pools, spas, and hot tubs shall be screened by a six-foot, 100 percent opaque on all sides (except waterfront sides). Swimming pool equipment shall be separately screened on all open sides with a six-foot 100 percent opaque fence.

   c. ***Bedrooms.*** All bedrooms within a vacation rental unit shall meet the applicable requirement of the Florida Building Code, and the Florida Fire Code and Life Safety Code.

   d. ***Smoke and carbon monoxide (CO) detection and notification system.*** A working smoke alarm and carbon monoxide (CO) alarm system shall be present within the vacation rental unit 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.

   e. ***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 of a vacation rental 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 of the fire extinguisher.

f. ***Emergency egress maintenance and lighting.*** Halls, entrances and interior stairways within a vacation rental unit shall be clean, ventilated and lighted. Hall and stair runners shall be kept in good condition. Rails shall be installed on all stairways and around all porches and steps.

g. ***Local phone service.*** At least one land line telephone with the ability to call 911 shall be available in the main level common area in the vacation rental unit.

h. ***Prohibition on slides or diving boards or platforms.*** Pursuant to Section ___ 6.8.U.10 of the Land Development Code (LDC), residential units including vacation rental units located in the R-2, R-3, and R-4 zoning districts shall not have slides, diving boards or diving platforms unless those recreational features are determined to be legal non-conforming uses.

i. ***Parking.*** All vacation rental units within the City are required to provide one on site parking space per bedroom.

Section 4.7. Existing Legal Nonconformities

A. Throughout the City there exist vacation rental units with valid BTRs that are legal nonconformities from various ordinances of the City of Holmes Beach. Notwithstanding the Florida Building Code, the Florida Fire Code, and the Florida Life Safety Code, it is not the intent of this ordinance that these legal nonconformities be corrected as a condition of receipt of a vacation rental certificate.

For properties with existing BTRs, legal existing nonconformities shall be identified and inventoried by the Code Enforcement Officer with the initial issuance of a vacation rental certificate. The final decision of whether a legal nonconformity exists shall be determined by the Code Enforcement Officer. The Code Enforcement Officer's decision may be appealed to the City's Special Magistrate within thirty (30) days after the Code Enforcement Officer's official (CEO) decision. Issuance of a vacation rental certificate is affirmative assent of existing legal nonconformities. Change of ownership of property shall not invalidate existing nonconformities associated with the initial vacation rental certificate.

Upon issuance of subsequent vacation rental certificates if it is the determination of the Code Enforcement Officer that there are nonconformities not identified and inventoried with the original vacation rental certificate, the Code Enforcement Officer shall require nonconformities to come into compliance prior to issuing a new vacation rental certificate. Appeals of the Code Enforcement Officer's decision may be appealed to the City's Special Magistrate.

B. Owners of legally nonconforming property that wish to convert from a residential use to a vacation use to a vacation rental use after the effective date of this ordinance may be required to address specific nonconformities and bring the property more into compliance with applicable codes and ordinances prior to issuance of a vacation rental certificate. The final decision of whether a legal nonconformity exists and must be remedied or whether a legal nonconformity exists and is not required to be remedied shall be made by the Code Enforcement Officer during the initial inspection. The CEO decision may be appealed to the City's Special Magistrate within thirty (30) days after the CEO's official decision. Issuance of a vacation rental certificate is affirmative assent of existing legal nonconformities. Change of ownership of property shall not invalidate existing nonconformities associated with the initial vacation rental certificate.

Upon issuance of subsequent vacation rental certificates if it is the determination of the Code Enforcement Officer that there are nonconformities not identified and inventoried with the original vacation rental certificate, the Code Enforcement Officer shall require nonconformities to come into compliance prior to issuing a new vacation rental certificate. Appeals of the Code Enforcement Officer's decision may be appealed to the City's Special Magistrate.

Section 4.8. Use of Agents.

1. An owner of a vacation rental may designate an agent to manage the unit on his behalf. The City will provide a form for such purpose which form must be completed, notarized and submitted to the City. The agent must accept the agent designation on a form provided by the City. The designation of an agent does not relieve the owner of the responsibility to comply with all state and local statutes and ordinances.

2. An agent who accepts a designation to act on behalf of a vacation property owner is held to the same standard as the property owner with respect to compliance with all statutes and ordinances and pursuant to Section 2-117, City's Code of Ordinances may be cited for non-compliance with any code, rule or ordinance applicable to the vacation rental unit or property.

3. A vacation rental property owner can withdraw an agent authorization by submitting a new properly executed agent authorization form to the City. The City may rely on the latest form it has of the owner's intent.

Section 4.9. Maximum Occupancy.

Per the City's Comprehensive Plan, the maximum overnight occupancy of a vacation rental unit shall not exceed six (6) persons or two (2) persons per bedroom, whichever is greater. The Code Enforcement Officer will have the final authority to determine the number of bedrooms. The Code Enforcement Officer may use a variety of sources to determine the

number of bedrooms including the Property Appraiser's database and the City's Building Department database. Appeals of the Code Enforcement Officer's decision may be appealed to the City's Special Magistrate.

Section 4.10. Fees.

The following fees are adopted to implement this ordinance:

• Initial Application (includes inspections)	$150.00
• Renewal Application Fee (every two years)	$150.00
• First Re-inspection Fee	$ 50.00
• Second Re-inspection Fee	$ 75.00
• Change of Authorized Agent Fee	$ 35.00

Properties with active Business Tax Receipts (BTRs) are required to comply with the inspection criteria.

Section 4.11. Violations and Penalties.

A written warning shall be given for the initial violation at a vacation rental unit. If the warning goes unheeded, the Code Enforcement Officer shall issue a written second violation and a fine will be assessed. The Code Enforcement procedure set forth in Chapter 2, Article V of the Code of Ordinances shall be followed; however, the penalties for violation shall be set forth as follows. Penalties may be amended by resolution of the Commission.

At the discretion of the Code Enforcement Officer, a repeat offender shall appear before the Magistrate for finding of facts. The penalties for violation are as set forth below:

• First Violation	Written Warning
• Second Violation	$250.00
• Third or Subsequent Violations	$500.00
• Irreversible Violation	$2,500.00

Section 4.12. Solid Waste Handling and Containment.

Vacation rental property owners will supply approved carts for containment of solid waste based upon the number of bedrooms in the vacation rental unit set forth in Ordinance 15-06 and Section 6.2 of the franchise agreement between the City and WastePro which is attached hereto (Exhibit A) and one approved cart for recyclable materials.

Section 4.13. Quiet Hours.

All occupants of vacation rental units must comply with the City's noise ordinance.

Section 4.14. Vacation Rental Units Advertising Requirement.

All advertising for vacation rental units must contain information concerning the occupancy limit of the vacation rental unit, and the maximum parking available on the property. The vacation rental certificate number shall be included on all advertising, including, but not limited to print and signage.

Section 4.15. Vacation Rental Units Advertising Signage.

The following criteria shall govern the placement and size of signs in general:

1. No more than one (1) sign shall be placed upon the property.

2. The maximum size of the sign shall be four square feet (single surface) and the sign shall be oriented parallel to the street and located no further than ten (10) feet from the main structure on the lot or parcel. The maximum height of the sign shall be three (3) feet from the surrounding grade. Fixed attachments or information boxes are prohibited.

3. The sign shall be non-moving, free-standing, and securely anchored into the ground.

4. Sign colors shall not be fluorescent.

5. All signage at vacation rental properties must be brought into compliance within one hundred twenty (120) days after the enactment of the Vacation Rental Ordinance.

Section 4.16. Required Posting of Vacation Rental Information

1. In each vacation rental unit, either posted in a conspicuous place on a single page, or in a tabbed notebook, there shall be the following information:
   a. The name, address and phone number of the vacation rental agent or owner;
   b. The maximum occupancy of the vacation rental unit;
   c. Notice that quiet hours are to be observed between 10:00 p.m. and 7:00 a.m. daily, and that during these hours no excessive or boisterous noise or sound is permitted;
   d. The maximum number of vehicles that can be parked at the vacation rental unit;
   e. The days and times of solid waste, recyclables and yard waste pick-up;
   f. Notice of sea turtle nesting season and sea turtle lighting regulations, if applicable; and
   g. The location and phone number of the nearest hospital and urgent care facility.

2. If the agent or owner of a vacation rental unit elects to provide the tenant with a notebook of information, the cover of the notebook must alert the tenant to its contents by posting "Important Information and Emergency Numbers" on the front of the notebook.

3. A legible copy of the building evacuation map, minimum 8-1/2" by 11" (letter sized paper) shall be posted at the main entrance door and one other door leading to the exterior of the structure.

Section 4.17. Exemption for Pre-Existing Rental Agreements.

Notwithstanding any other provision of this ordinance, rental agreements with prospective occupants for vacation rental units that were pre-existing as of May 1, 2016, (hereinafter "Pre-existing Agreements") are exempt from the occupancy provisions of this ordinance for occupancy limits. Any pre-existing agreements for occupancy through 2018, shall be disclosed to the City by May 15, 2016. All bookings made subsequent to May 1, 2016, are subject to the occupancy provisions of this ordinance. All advertising must be compliant for occupancy limits no later than May 1, 2016.

If a vacation rental unit is cited for a violation of this Chapter, (that would not be a violation if it were not for this Section), when the vacation rental unit is occupied under the terms of a Pre-existing Agreement, the vacation rental owner may defend such violation based on the fact that the vacation rental unit was exempt from this Section due to it being occupied pursuant to a Pre-existing Agreement. Such defense shall be determined based upon the following information, and upon any additional information supplied by the vacation rental owner or otherwise determined by the fact finder:

1. Copy of deposit or payment information evidencing that the agreement was a Pre-existing Agreement.
2. Copy of e-mail or other communication evidencing a binding Pre-existing Agreement.
3. Information from the occupant confirming that there was a binding agreement in a time frame to make the agreement as Pre-existing Agreement under this Section.

If it is reasonably determined by the City staff, and confirmed by the City's Special Magistrate that any information supplied to the City of Holmes Beach in support of an application for exemption, or in support of a defense based upon Pre-existing Agreement, was intentionally false or fraudulent, the person supplying the false or fraudulent information shall be subject to a fine as set by the City Commission by resolution.

Section 2. Severability.

In the event that any word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance, or application thereof, is contrary to law, or against public policy, or shall for any reason whatsoever held to be invalid, illegal or unconstitutional, by any court of competent jurisdiction, such word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s),

or section(s) of this Ordinance shall be null and void, and shall be deemed severed, and a separate, distinct, and independent provision from the remaining provisions of this Ordinance, and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sub-sub-sections, sub-sections, or sections of this Ordinance, which shall remain in full force and effect. This Ordinance shall be construed in a manner to accomplish, to the greatest extent legally possible, the purposes of this Ordinance as expressed herein.

Section 3. Effective Date.

This Ordinance shall be effective upon adoption by the City Commission and approval by the Mayor in accordance with the Charter of the City of Holmes Beach.

PASSED AND ADOPTED, BY THE City Commission of the City of Holmes Beach, Florida, in regular session assembled, this 23rd day of February, 2016.

First Reading: 2-9-16

Publication Date: 2-13-16

Second Reading and Public Hearing Date: 2-23-16

Patrick Morton

Carol Soustek

Marvin Grossman

Judy Titsworth

Jean Peelen

APPROVED BY ME THIS 4th **DAY OF** March, **2016**

Bob Johnson, Mayor

ATTEST:

Stacey Johnston, MMC, City Clerk

City of Holmes Beach
5801 Marina Dr.
Holmes Beach, FL 34217
(941) 708-2677 / (941) 708-5800)
vrc@holmesbeach.org

Vacation Rental Certificate Application

Section1: Local Vacation Rental Unit

Address: _____(include unit # if any)

City: _____ State: _____ Zip: _____

Phone # at rental unit: _____

Name of rental property: _____

Section 2: Property Owner

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: Cell: _____ Landline: _____

Local Emergency Contact: (required if owner/management is not local)

Name: _____ Phone: _____

Email Address: _____

Section 3: Property Management

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: Cell: _____ Landline: _____

Local Emergency Contact:

Name: _____ Phone: _____

Email Address: _____

Section 4: Property Description Type

_____ Single Family _____ Duplex

_____ Condominium Unit (proof of active condominium assocation as attachement)

_____ Number of bedrooms

_____Parcel ID Number (assigned by Manatee County Property Appraiser http://www.manateepao.com/)

Number of onsite paring spaces: _____

(one of the following proofs of ownership must be attached and submitted with this application)

Section 5: Proof of Ownership

- Copy of a recorded deed
- Recent Profile from Property Appraiser
- Verification of Active Status for Corporate Owners
- Taxpayer Identification Number for owners ***not*** U.S. Citizens

Section 6: Applicant's Signature

The information in this application is true and accurate to the best of my ability.

_____	_____	_____
Printed Name	Signature	Date

To Be Completed by City Office Staff

Business Tax Receipt Number: _____

Application Fee Received by: _____ Date: _____

All documents received by: _____ Date: _____

Vacation Rental Certificate #: _____
Issued Date: _____ Expire Date: _____

The information requested in this application is per city ordinance 16-02.

City of Holmes Beach
5801 Marina Dr.
Holmes Beach, FL 34217
(941) 708-2677 / (941) 708-5800)
vrc@holmesbeach.org

Vacation Rental Certificate Affidavit

VRC #: _____

Section 1: Local Vacation Rental Unit

Address: _____(include unit # if any)

City: _____ State: _____ Zip: _____

Phone # at rental unit: _____

Name of rental property: _____

Section 2: Property Owner

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: Cell: _____ Landline: _____

Section 3: I/We attest to the following (*Owner/Agent must initial each item*)

____ The property complies with FEMA regulations limiting the use of ground level space

____ That the property owner or agent has an active license from the Department of Business and Professional Regulation (DBPR) for use of the property as a public lodging establishment;

____ That the property owner or agent has an active resale certificate for sales tax issued by the State of Florida;

____ That the property owner or agent collects and remits the required tourist development tax pursuant to Chapter 212, Florida Statutes;

____ That the vacation rental property complies with all ordinances of the City of Holmes Beach.

_____	_____	_____
Owner / Agent Printed Name	Owner/Agent Signature	Date

Form Must Be Notarized

STATE OF FLORIDA
COUNTY OF MANATEE

I HEREBY CERTIFY that on this day, before me came, an officer duly authorized in the state and county aforesaid to take acknowledgements, personally appeared _____ known to me to be the person described in and who executed the forgoing instrument and he/she acknowledged before me that he/she executed the same.

Witness my hand and official seal in the County and State last aforesaid this ____ day of _____, 20_____.

My Commission expires on _____ (date).

NOTARY PUBLIC _____
Signature and Stamp

Personally Known _____

Produced Identification _____ Type of Identification Produced _____

City of Holmes Beach
5801 Marina Dr.
Holmes Beach, FL 34217
(941) 708-2677 / (941) 708-5800)
vrc@holmesbeach.org

Agent Authorization

VRC #: _____

____New Authorization ____ Update Authorization

Section 1: Local Vacation Rental Unit

Address: _____(include unit # if any)

City: _____ State: _____ Zip: _____

Phone # at rental unit: _____

Name of rental property: _____

Section 2: Property Owner

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: Cell: _____ Landline: _____

Local Emergency Contact: (required if owner/management is not local)

Name: _____ Phone: _____

Email Address: _____

Section 3: Property Management

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: Cell: _____ Landline: _____

Local Emergency Contact:

Name: _____ Phone: _____

Email Address: _____

City of Holmes Beach
Agent Authorization

I, _____, owner of the property listed in Section 1, do hereby
Printed Owner Name

appoint _____, listed in Section 3, to be the
Printed Property Management Name

Property Management on file. This form revokes any and all previous propoerty management appointments.

I, _____, listed in Section 3, do accept responsibility
Printed Property Management Name

of Property Management for, _____, listed in Section 1.
Printed Owner Name

Owner Printed Name	Owner Signature	Date
Property Management Printed Name	Authorized Agent's Signature	Date

Form Must Be Notarized

STATE OF FLORIDA
COUNTY OF MANATEE

I HEREBY CERTIFY that on this day, before me came, an officer duly authorized in the state and county aforesaid to take acknowledgements, personally appeared _____ known to me to be the person described in and who executed the forgoing instrument and he/she acknowledged before me that he/she executed the same.

Witness my hand and official seal in the County and State last aforesaid this ____ day of _____, 20_____.

My Commission expires on _____ (date).

NOTARY PUBLIC _____
Signature and Stamp

Personally Known _____

Produced Identification _____ Type of Identification Produced _____

City of Holmes Beach
5801 Marina Dr.
Holmes Beach, FL 34217
(941) 708-2677 / (941) 708-5800 ??)
vrc@holmesbeach.org

Vacation Rental Certificate Unit Checklist

VRC #: _____

Section 1: Local Vacation Rental Unit

Address: _____(include unit # if any)

City: _____ State: _____ Zip: _____

Phone # at rental unit: _____

Name of rental property: _____

Pass	Fail	Description
		Swimming pool, spa, and hot tub safety
		Notes:
		Swimming pool, spa and hot tub screening
		Notes:
		Bedrooms
		Notes:
		Smoke and carbon monoxide (CO) detection and notification system
		Notes:
		Fire Extinguisher
		Notes:

		Emergency egress maintenance and lighting
		Notes:
		Local phone service
		Notes:
		Prohibition on slides or diving boards or platforms
		Notes:
		Parking
		Notes:
		House Number

The inspection has: ____ Passed ____ Failed

Call our office to schedule a re-inspection of the items that failed the inspection.

_____	_____	_____
Printed Code Officer Name	**Signature**	**Date**