LAUDERDALE•BY•THE•SEA

Vacation and Short-Term Rentals During COVID-19

What You Need to Know:

Town Staff is glad to accept and process your applications for Short-Term Rental or Vacation Rental. However, in response to the COVID-19 public health emergency, Broward County has issued strict regulations limiting the use of your Vacation Rental or Short-Term Rental. Your property must meet all the current requirements found in the Emergency Orders of Broward County (and, as applicable, the Executive Orders of the State of Florida).

The most current version of the **Short-Term Vacation Rental Re-Opening Guide for Broward County** is now included in our application packet. You may wish to schedule a one-on-one phone call or Zoom session with our friendly Code Compliance Inspectors to review the re-opening guide. You may contact the code team directly at code@lbts-fl.gov.

We are glad to offer our support and guidance during this challenging and changeful time.

4501 N. Ocean Drive, Lauderdale-The-Sea, FL 33308
(964) 640-4210
BTR@lbts-fl.gov
M-F 8:30 AM-4:30 PM

5/29/2020

LAUDERDALE•BY•THE•SEA

Vacation Rental Application Package

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Vacation or Short-Term Term Rental

Application Checklist: Business Tax Receipt

Congratulations on taking steps forward to opening your rental business in our unique Town. Lauderdale-By-The-Sea wishes you good fortune and aims to help you succeed in your business endeavors. Below, please find the checklist of items you will need in order to submit your Vacation Rental or Short-Term Rental application for review.

You Will Need:

- ☐ Application for a Business Tax Receipt (BTR), notarized and signed by property Owner
- ☐ Application(s) for Vacation or Short-Term Rental Certificate(s) (a separate application is required for each dwelling unit), completed and signed by Owner
- ☐ Proof of Zoning Eligibility for Vacation Rental or Short-Term Rental (to request this, email Zoning@lbts-fl.gov)
- ☐ Application Fee (will be determined upon staff review of your application)

  Vacation Rental—Single-Family Dwellings, Townhomes, and Split-Lot Duplexes:
  - Certificate Fee: $675.00
  - Fire Inspection Fee: $75.00
  - BTR: $6:00

  Short-Term Rental—Duplex, Triplex or Quadplex Buildings:
  - First Unit: $675.00
  - Fire Inspection: $75.00
  - BTR for Each Rental: $6.00
  - Each Additional Unit: $300.00
    - Each Additional Unit: $225.00
    - Fire Inspection: $75.00
- ☐ Photocopy of Florida Department of Revenue Sales Tax Certificate **OR** Affidavit regarding EXCLUSIVE use of AirBNB for advertising
- ☐ Photocopy of owner's Driver's License with Current Address or other state identification
- ☐ Photocopy of Fictitious Name Registration and/or Articles of Incorporation (if applicable)
- ☐ Sketch of the house floor plan and site (this is used to calculate the maximum occupancy). Sketch must include parking areas, with each of the individual off-street parking spaces clearly marked
- ☐ Current photographs of the house:
  - Front
  - Rear
- ☐ Photocopy of proof of an active Waste-Pro Account

Other Useful Information

- On the Rental Certificate Application, the owner **MUST** designate a 24-Hour Rental Agent according to LBTS Code Ordinance 30-327(i). **The application will not be processed without this information.**
- Verify the property has an active solid waste service account under the current owner's name, through Waste-Pro. You may call Waste Pro at 954-282-6800. If there is no active account in the current owner's name, the processing of the application may be delayed until one is established.
- Site Inspections—After all the items on the above checklist are submitted and reviewed for compliance, staff will determine which site inspections are required, and will contact the 24-Hour Rental Agent for scheduling.
    - For information on requirements to pass the Code Inspection, please review the "Vacation and Short-Term Rental Inspection Checklist."
    - For information on requirements to pass the Fire Inspection, you may contact the Fire Marshal, Steve Paine, at 954-640-4251.
    - For information on requirements to pass the Building Inspection, you may contact the Building Official at 954-640-4223.
- Zoning Review—The Town's Planning & Zoning Department will conduct periodic reviews of the property throughout the application process.
    - For information on the Zoning review process, you may email the Business Tax Receipt Staff at BTR@lbts-fl.gov.
- The legal owner of the property must personally complete and sign the notarized BTR application. If you have questions on this, please call 965-640-4210 or email BTR@lbts-fl.gov.
- After all applications and accompanying fees and documents have been received, and all required inspections and reviews have been completed and passed without deficiency or violation, the certificate(s) and Business Tax Receipt may be issued. Until that time the property may not be rented or advertised for rent, according to Sections 12-2, 12-14 and 30-327 of the Town Ordinances.

Need help? Not sure about something?
Please contact us at (954) 640-4120 or BTR@lbts-fl.gov. We are happy to help!

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LOCAL BUSINESS TAX RECEIPT APPLICATION
ALL RENTAL PROPERTIES

Date:_____**Type of Rentals Offered (minimum stay):** _____

A) SITE INFORMATION

Rental Property Address: _____

Number of dwelling units at this site: _____Number of dwelling units to be rented: _____

Waste Pro Account #: _____**(if you do not have one, contact Waste Pro at 954-282-6800 to set up an account. If you do not have an active account, the processing of your application may be delayed until one is established.)**

B) OWNER INFORMATION

Owner's Name: _____
Owner's Permanent Mailing Address (no P.O. Box): _____

City & State: _____ ZIP: _____

Owner's Best Phone: _____Owner's Alt Phone:_____

Owner's E-Mail: _____

Federal Identification # OR Social Security # (**required by Town Ordinance**):_____

PLEASE NOTE

If you are **ALSO** applying for a short-term or vacation rental certificate for this property, you may skip Sections C) and D) of this application and move directly to section E).

C) RESIDENT AGENT INFORMATION

Resident Agent's Name (must be a specific person, not a business): _____

Resident Agent's Mailing Address (no P. O. Box): _____

City & State: _____ ZIP: _____

Resident Agent's Best Phone: _____Alternate Phone:_____

Resident Agent's E-Mail:_____

D) ADVERTISING INFORMATION

Please list ALL web ads for this specific dwelling unit.

EXAMPLE: www.lauderdalebythesea.com/houses/1234567

AirBNB:_____

Homeaway:_____

VRBO: _____

Flipkey: _____

Other:_____

Other:_____

Other:_____

E) OWNER'S AFFIDAVIT:

I HEREBY DECLARE that all information provided in this application is true and correct and, further, understand that providing false or misleading information on this application may result in being denied, or the loss thereof, of any license or permit issued by the Town of Lauderdale-By-The-Sea which was based upon information provided in this application.

Property Owner's Signature: _____

Printed Name: _____

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

SWORN TO and subscribed before me by means of _____physical presence or _____online notarization, this _____day of, 2020_____

_____

NOTARY PUBLIC, State of Florida

Personally known _____or produced identification _____

Type of identification produced:_____

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VACATION RENTAL CERTIFICATE APPLICATION

Required for rentals of less than 90 days,
in a Single-Family home, Townhome, or split-lot duplex.
These properties are limited to a minimum stay of 7 nights.

PLEASE COMPLETE A SEPARATE FORM FOR EACH DWELLING UNIT

New ( ) Renewal ( ) Transfer ( ) **Date:** _____

A) SITE INFORMATION

Rental Property Address: _____

Number of bedrooms in the home: _____

Will pets be allowed in this unit? ☐YES ☐NO

If yes, how many allowed: _____ Type of pet(s) allowed: _____

Waste Pro Account #: _____ **(if you do not have one, contact Waste Pro at 954-282-6800 to set up an account. If you do not have an active account, the processing of your application may be delayed until one is established.)**

B) OWNER INFORMATION

Owner's Name: _____

Owner's Permanent Mailing Address (no P.O. Box): _____

City & State: _____ ZIP: _____

Owner's Best Phone: _____Owner's Alt Phone:_____

Owner's E-Mail: _____

C) 24-HOUR AGENT INFORMATION – MUST BE LOCAL

Only one Agent allowed. Must respond to site within 3 hours of notification by Town. Must be at least 18 years of age.

Agent's Name (must be a specific person, not a business): _____

Agent's Mailing Address (no P. O. Box): _____

City & State: _____ ZIP: _____

Agent's 24-Hour Cell Phone Number (ONE number; must be answered 24/7): _____

Agent's E-Mail:_____

5/29/2020

D) ADVERTISING INFORMATION

Please list ALL web ads for this specific home.

EXAMPLE: www.lauderdalebythesea.com/houses/1234567

AirBNB:_____

Homeaway:_____

VRBO: _____

Flipkey: _____

Other:_____

Other:_____

Other:_____

Please make sure you review the application checklist. The application process will be delayed if you are missing any pertinent information.

E) AGREEMENTS AND AFFIDAVITS

PROPERTY OWNER'S AGREEMENT:

BY signing this AGREEMENT, the Property Owner agrees to use his or her best efforts to assure that the short term rental use of the dwelling unit will not disrupt the residential character of the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their residences. Furthermore, the Property Owner acknowledges that they were provided a copy of Town Code Section 30-327. - Vacation rentals and short-term rentals.

Property Owner's Signature: _____

Printed Name: _____

24-HOUR AGENT'S AGREEMENT:
If agent is different from property owner

BY signing this AGREEMENT, the Local Agent agrees to use his or her best efforts to assure that the short term rental use of the dwelling unit will not disrupt the residential character of the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their residences. Additionally, the Local Agent certifies that he or she agrees to perform the duties specified in Section 30-327(i)(2) of the Town Code. Furthermore, the Local Agent acknowledges that they were provided a copy of Town Code Section 30-327. - Vacation rentals and short-term rentals.

24-Hour Agent's Signature: _____

Printed Name: _____

OWNER'S AFFIDAVIT:

I HEREBY DECLARE that all information provided in this application is true and correct and, further, understand that providing false or misleading information on this application may result in being denied, or the loss thereof, of any license or permit issued by the Town of Lauderdale-By-The-Sea which was based upon information provided in this application.

Property Owner's Signature:_____

Printed Name: _____

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

SWORN TO and subscribed before me by means of _____physical presence or _____ online notarization, this ____day of_____202___.

_____

NOTARY PUBLIC, State of Florida

Personally known ___or produced identification _____

Type of identification produced: _____

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LAUDERDALE•BY•THE•SEA

General Code Inspection Guide
All Rental Properties

Outside

- ☐ Driveway and walkways in good condition
- ☐ Trash containers kept out of sight
- ☐ Roof clean and free of damage
- ☐ House painted one continuous color—no chips or peeling
- ☐ Exterior walls, fences, gates & foundations free of damage
- ☐ Windows, doors, shutters and frames free of damage
- ☐ Electric lights, switches and outlets working;
- ☐ Boxes covered and utility lines not hanging
- ☐ Landscape maintained, trimmed and green
- ☐ Pool clean, with clear blue water
- ☐ No junk, trash, or outside storage
- ☐ No work without permit. For example: a Chickee or Tiki Hut, a storage shed, or new fencing without a permit

Inside

- ☐ Windows free of damage, easily open & shut, locks in good condition
- ☐ Doors, handles, sliders, hinges, frames and locks in good condition
- ☐ Plumbing (hot & cold) and drains working well; no overflow, leaks, etc.
- ☐ Electric accessories (lighting, outlets, switches) working and safe
- ☐ Room layouts are unaltered, without lockouts or other creative reconfigurations that might create extra rooms or extra units
- ☐ No Illegal conversions or work without permit. For example: a garage converted to living space, an extra kitchenette, a half-bath converted to a full bath, or a screen patio enclosed into a living space

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Town of Lauderdale-By-The-Sea
Primer on Rental Regulations and Ordinance History

Lauderdale-By-The-Sea's rental regulations regarding single family homes were enacted in May 2009. These original "Vacation Rental" ordinances restricted the duration of rental (number of rented days) to seven.

In June 2011, the State began to limit municipalities' abilities to pass restrictions on certain matters, including the duration of the rental stay. However, local ordinances enacted before June 1, 2011, were allowed to remain in full force.

When Lauderdale-By-The-Sea added regulations for multifamily (2, 3, and 4 unit) properties in April 2017, those new regulations were written in the light of the new State limitations. Thus, the part of Section 30-327 that applies to multi-unit properties is different from the part that applies to single-family sites. For example, multifamily properties only must be registered as short-term when they are offering rentals of 30 days or less, not 90 or less; they are also allowed to rent for periods of less than 7 consecutive days.

In order to differentiate between the two proprietary classes of short-term rentals and their different regulations, the Town Code defines them as follows.

Vacation rental*. The lease or rental, or offering for lease or rental, of a single-family or townhouse dwelling, to a person or entity that has no ownership interest in the dwelling, for compensation or remuneration and for no fewer than seven consecutive days. Vacation rental shall not include:*
a. Rentals of at least three consecutive months; and
b. Hotels, motels, or similar transient uses.

Short term rental*. Any individually or collectively owned dwelling unit or group of dwelling units that is rented to guests more than three times in a calendar year for periods of less than 30 days or one 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, where such unit or units are in:*
a. A duplex/two-family dwelling;
b. A multifamily dwelling of three or four dwelling units; or
c. A mixed use development with one to four dwelling units.

The above definitions do not include every kind of property in Lauderdale-By-The-Sea. For example, condominium units are not mentioned in the definitions of Short-Term and Vacation Rentals because the Town does not regulate short term rental of condominium units (the same as with multifamily dwellings of more than four units). On the other hand, certain other

properties are entirely prohibited from use as short term rentals. Code Section 30-242, enacted in 2000, prevents Vacation or Short-Term rental of any property that meets **all** of the following criteria:

- Situated in the RM-25 zoning district
- Located both south of Pine Avenue AND west of Bougainvilla Drive
- Width of property frontage measured 60 feet or less as of September 2000

Another slightly unusual type of site is the "split-lot" duplex. These are duplex properties that were unlawfully subdivided into two separate parcels either before or after a structure was built on that lot. For Zoning purposes, split-lot duplexes in Lauderdale-By-The-Sea are subject to the same regulations as single-family properties and townhomes; rather than being classified as "Short Term Rental" like a standard duplex, they are classified as "Vacation Rentals" and are subject to the pre-2001 regulations including the 7-day limit.

Below is a table illustrating the various property types and their rental regulations.

	Rental Regs	Licensing Requirements	Minimum Stay	Long-Term After
Single-Family Home	Vacation	- General BTR for rental - Vacation Rental Certificate	7 days	90 days
Condominium	General	General BTR for rental	N/A	N/A
Townhome	Vacation	- General BTR for rental - Vacation Rental Certificate	7 days	90 days
Duplex, split-lot	Vacation	- General BTR for rental - Vacation Rental Certificate	7 days	90 days
Duplex	Short-Term	- General BTR for rental - Short-Term Rental Certificate	N/A	30 days
Triplex	Short-Term	- General BTR for rental - Short-Term Rental Certificate	N/A	30 days
Fourplex	Short-Term	- General BTR for rental - Short-Term Rental Certificate	N/A	30 days
Multifamily, 5+	General	General BTR for rental	N/A	N/A

As you can see in the table, all residential rental properties in Lauderdale-By-The-Sea are required to obtain a general Business Tax Receipt (BTR) for rental regardless of whether they are required to obtain an additional rental certificate. The general regulations for residential rentals are in Section 12-2(e). The requirement for an additional rental certificate is based on the length of stay either advertised (see Section 12-14 regarding advertisement) or allowed. For example, if a Townhome were to be rented or be offered for rent for periods of exclusively more than 90 days, it would not need to obtain a Vacation Rental Certificate; it would only need to have a general BTR for residential property rental. If they rent for a period of less than 90

consecutive days—even once—or advertise availability for rentals of less than 90 days duration, a Vacation Rental Certificate would be immediately required.

Vacation and Short-Term Rentals are an extremely important subject within the Town due to the large impact a rental has on the surrounding neighborhoods. The Town works diligently to safeguard our communities and ensure that rental violations do not recur. Due to the high priority placed on Vacation and Short-Term rentals in Lauderdale-By-The-Sea, it is standard procedure to issue a Notice of Violation immediately upon observation of a violation of that code. The following page contains a copy of the Town's "See Something? Say Something!" flyer, which was created to educate residents and provide them the tools to help maintain their immediate communities.

See Something? *Say* Something!

Reporting Code Violations
for Vacation & Short-Term Rentals is ***EASY***!

Just Make the Call

7 AM to 3 PM Mon - Sat
Code Compliance Office
954-640-4210
code@lbts-fl.gov

AFTER 3 PM (any day)
& all day Sundays
Broward Sheriff's Office
954-764-4357

Do I Have To Call?

The Town of Lauderdale-By-The-Sea depends on our residents for keen observations and swift communication. If we don't hear from you at the moment something is happening, we may be unable to obtain time-sensitive evidence and enforce the ordinances.

What Happens After I Call?

Your report triggers a set of procedures that is crafted to ensure the issue is investigated thoroughly and quickly as possible. For example, the Rental Agent is required to respond to the property within 3 hours of notification from the Town or else face an additional violation. All verified violations are taken directly through the enforcement process. This process often includes fines and/or costs for hearings.

Is it Anonymous?

Public records laws in Florida are very broad and we cannot guarantee anonymity. However, your report is as confidential as you make it (by, for example, blocking your number and abstaining from revealing any identifying information during your phone call).

Let's continue to rely on each other as partners to keep our communities safe and peaceful.

Town Regulations & Common Violations

Vacation Rentals
(Single-Family Homes)

- Cannot **rent** for a period of less than 7 consecutive days (*people may stay for less than 7 days*)

Short Term Rentals
(2, 3, and 4-unit 'multifamily' properties)

- The use of the pool, deck, & outdoor facilities is limited from 8:00 a.m. to 10:00 p.m.
- Between 10:00 p.m. and 8:00 a.m., any TVs, radios, etc. may only be used inside & may not be heard outside, from the property line.

For ALL transient lodging
(single-family, & 2/3/4-units)

- Occupancy Limit: 2 persons per bedroom, plus 2 persons for each additional 200 sq. ft. of living area; **maximum of 10 persons** at any time, including guests.
- Occupants and their guests may only park in the **spaces designated on the rental certificate sketch**. No parking on the street or grass!
- **Placement of trash container**(s) for curbside pickup must be in compliance with Town regulations.
- Must comply with limit on any **continuous source of sound**:
  7:00 a.m. to 10 p.m. – 60 dBA or 65 dBC
  10:00 p.m. to 7:00 a.m. – 55 dBA or 65 dBC
- Must appoint a **24-hour Rental Agent**, who is required to come to the dwelling within 3 hours of Town notification.

All of the above are fully listed in Chapter 30 – Unified Land Development Regulations of the Code of the Town of Lauderdale-By-The-Sea

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LAUDERDALE•BY•THE•SEA

Short-Term and Vacation Rental Regulations
Town of Lauderdale-By-The-Sea

DEFINITIONS

Short term rental. Any individually or collectively owned dwelling unit or group of dwelling units that is rented to guests more than three times in a calendar year for periods of less than 30 days or one 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, where such unit or units are in:

a. A duplex/two-family dwelling;
b. A multifamily dwelling of three or four dwelling units; or
c. A mixed use development with one to four dwelling units.

Vacation rental. The lease or rental, or offering for lease or rental, of a single-family or townhouse dwelling, to a person or entity that has no ownership interest in the dwelling, for compensation or remuneration and for no fewer than seven consecutive days. Vacation rental shall not include:

a. Rentals of at least three consecutive months; and
b. Hotels, motels, or similar transient uses.

VACATION RENTAL ONLY
SHORT-TERM RENTAL ONLY

ORDINANCE

Sec. 30-327. - Vacation rentals and short term rentals.

(a) *Applicability.* Any regulation of vacation rentals in subsections 30-327(b), (c) and (e)—(q) shall be interpreted to also apply to short term rentals. Subsection 30-327(d) shall not apply to short term rentals.

(b) *Vacation rentals and short term rentals prohibited unless in compliance with this section.* No person shall rent or lease all or any portion of a single-family or townhouse dwelling or a duplex/two-family dwelling, multifamily dwelling of three or four units, or dwelling unit in a mixed use development with one to four dwelling units in the Town's RS-4, RS-5, RD-10, RM-15, RM-16, RM-25 and RM-50 residential zoning districts or the B-1 or B-1-A business zoning districts as a vacation rental or short term rental as defined in section 30-11 of the Town Code without first: (i) obtaining a business tax receipt from the Town pursuant to chapter 12 of the Code, and (ii) complying with the supplemental regulations contained herein.

(c) *Compliance with codes.* No person shall allow occupancy or possession of all or any portion of a single-family or townhouse dwelling or duplex/two-family or multifamily dwelling of three or four dwelling units or dwelling unit in a mixed use development with one to four dwelling units, as a vacation rental or short term rental if the dwelling is in violation of any zoning, building, housing, density, life/safety and fire codes or regulations.

(d) *Duration.* No person shall allow occupancy or possession of all or any portion of a single-family or townhouse dwelling as a vacation rental for fewer than seven consecutive days. This restriction shall not apply to short term rentals.

(e) *Rental certificate.* Any property owner, who wishes to use his or her property as a vacation rental or short term rental, must first apply for and receive a rental certificate from the Town, and renew the certificate annually for as long as the unit is used as a vacation or short term rental. Each dwelling used as a vacation rental or short term rental requires a separate rental certificate. An annual certificate fee shall be paid for each dwelling certified as a vacation rental or short term rental, in an amount to be determined by resolution of the Town Commission, to cover the costs of administration of the certificate and inspection program. Failure to comply with any of the requirements of this section shall be grounds for revocation or suspension of the certificate, in accordance with the requirements contained herein.

(f) *Application for a rental certificate.* Each property owner seeking a rental certificate, or renewal of a rental certificate, shall submit an application in a form specified by the Town Manager or designee, along with an application fee in an amount to be determined by resolution of the Town Commission. At a minimum, the application shall include all of the following:

1. The name, address and phone number of the owner(s) of record of the dwelling for which a certificate is sought; and
2. The address of the dwelling to be used as a vacation rental or short term rental; and
3. The name, address and phone number of the designated rental agent; and
4. The owner's sworn acknowledgement that he or she has received a copy of this section, has reviewed it and understands its requirements; and
5. Proof of compliance with F.S. chs. 212 (Florida Tax and Revenue Act) and 509 (Public Lodging Establishments), and Rules 69A-43 (Uniform Fire Safety Standards for Transient Public Lodging Establishments) and 69A-60 (the Florida Fire Prevention Code), Florida Administrative Code, where applicable; and
6. A copy of the Town's inspection report; and
7. A sketch of the dwelling's floor plan and site, including parking areas; and
8. The number and location of designated parking spaces legally available for occupants of the vacation rental or short term rental, excluding public parking spaces; and
9. An indication of whether pets will be allowed in the dwelling; and
10. The owner's agreement to use his or her best efforts to assure that the vacation rental or short term rental use of the dwelling will not disrupt the residential character of the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their residences; and
11. Any other information that this section, or any rules and procedures for implementation of this section, requires the owner to provide to the Town as part of application for or renewal of a rental certificate.

(g) *Inspections/re-inspections of vacation rentals and short term rentals.*

1. An inspection of the dwelling for compliance with zoning, building, housing, density, life/safety and fire codes or regulations is required prior to issuance of a rental certificate. If violations are found, all violations must be corrected and the dwelling must be re-inspected prior to issuance of the rental certificate as provided herein. A combined inspection can be requested for purposes of the business tax receipt and the rental certificate for the vacation rental or the short term rental.
2. Dwellings used for vacation rentals or short term rentals must be properly maintained and must be re-inspected annually.
3. If the inspector(s) has made an appointment with the property owner to complete an inspection, and no adult person was at the dwelling to admit the officer at the scheduled time, the applicant shall be charged a "no show" fee in an amount to be determined by resolution of the Town Commission to cover the expense incurred by the Town.
4. If the inspector(s) is denied admittance by the property owner, or if the inspector(s) fails in at least three attempts to complete an initial or renewal inspection of the dwelling because there was no adult person present to admit him or her, the inspector(s) shall provide notice of failure of inspection to the property owner by certified mail or other legal service to the address shown on the existing rental certificate, or the application for rental certificate. Within ten days after receipt or refusal of such notice, the property owner shall arrange for the inspector(s)' access to the dwelling for the completion of the required inspection.

(h) *Code violations.*

1. If an owner of a dwelling used for vacation rentals has been cited and found to be in violation of a zoning, building, housing, density, life/safety or fire code or regulation by the code

enforcement special magistrate, the order of the special magistrate shall include payment of an administrative fee for each required inspection or re-inspection of the dwelling in an amount to be determined by resolution of the Town Commission. The required inspection fees shall be included as part of the administrative costs assessed by the Town and shall be included in any liens filed by the Town.

2. Each day of renting a dwelling for vacation rental use or short term rental without having a rental certificate shall constitute a separate and distinct violation of this section.

(i) *Rental agent.*

1. The property owner shall designate a rental agent on its rental certificate application or renewal, and provide the agent's name, address and phone number. The property owner may serve as the rental agent. Alternatively, the owner may designate as his or her agent any natural person 18 years of age or older, who is: (i) customarily present at a business location within the Town for the purposes of transacting business, or (ii) actually resides within the Town. In order to be designated a rental agent, a person must first present the Town with written certification that he or she agrees to perform the duties specified in subsection 2. below.

2. The duties of the rental agent are to:

   a. Be available at the listed phone number 24 hours a day, seven days a week to handle any problems arising from the vacation rental or short term rental use; and

   b. Be able and willing to come to the vacation rental or short term rental dwelling within three hours following notification from the Town of issues related to the vacation rental or short term rental; and

   c. Receive service of any notice of violation of this section; and

   d. Monitor the vacation rental or short term rental dwelling at least weekly to assure continued compliance with the requirements of this section.

3. Rental agent status may be suspended or revoked by the Town Manager if a rental agent fails to perform any of the above-listed duties, after proper notice and hearing. The Town shall maintain a written record of its contacts with rental agents, including a notation of whether the agent responded within the three hours and how the issue was resolved.

   a. *Suspension.* The Town Manager may suspend a person's rental agent status for any or all vacation rental and short term rental property in the Town for minor violations for a period of time not to exceed three months, or until certain conditions have been complied with or violations cured.

   b. *Revocation.* The Town Manager may revoke a person's rental agent status for all vacation rental and short term rental property in the Town for major or repeated violations. After revocation of a property owner's rental certificate, the owner shall not reapply for a rental agent status for any vacation rental or short term rental property in the Town until the basis for the revocation has been resolved and in no event prior to six months following the date of revocation.

4. An owner may change his or her designation of a rental agent temporarily or permanently; however, there shall only be one rental agent for each vacation rental and short term rental at any given time. To change the designated rental agent, the owner shall notify the Town in writing of the name, contact information and certifications required in subsection (i)1. above for the new rental agent and pay the applicable fee, if any, determined by resolution of the Town Commission. Any notice of violation or legal process which has been delivered or served upon the previous rental agent, prior to the Town's receipt of notice of change of the rental agent, shall be deemed effective service.

5. It shall be the sole responsibility of the property owner to appoint a reliable rental agent and to inform the agent of his or her correct mailing address. Failure to do so shall not be a defense to a violation of this section. No property owner shall designate as a rental agent any person who does not expressly comply with the provisions of this section. The property owner or the rental agent shall be deemed to be the "violator" of this section as the term is used in F.S. § 162.06.

Service of notice on the rental agent shall be deemed service of notice on the property owner, tenant and violator.

6. A person may serve as a rental agent for one or more vacation rental or short term rental property owners if:

   a. The agent provides the Town with written authorization from each owner represented; and

   b. Each authorization must state that the owner has received a copy of, has reviewed and understands this section; and

   c. Each owner must sign the authorization and acknowledge the requirements of this section.

(j) *Vacation rental and short term rental occupants.*

1. Occupancy of a dwelling for vacation rental or short term rental use must not exceed two persons per bedroom, plus two persons for each additional 200 square feet of interior living area, with total occupancy not to exceed ten persons.

2. The occupant(s) of each vacation rental or short term rental dwelling should receive a written copy of this section and the Town's pet, noise, and trash regulations.

3. The written agreement between the property owner and the occupant(s) should specify all of the following:

   a. The name of all persons who will be occupying the dwelling; and

   b. The license tag numbers for all vehicles that the occupant(s) will be parking at the dwelling, with a total number not to exceed the number of legal parking spaces at the dwelling, as designated on the rental certificate; and

   c. The occupant(s)' agreement to abide by all the requirements of this section, and acknowledgement that his or her rights under the agreement may not be transferred or assigned to anyone else without a new agreement being entered into between the new occupant(s) and the owner; and

   d. The occupant(s)' acknowledgement and agreement that violation of the agreement or this section may result in immediate termination of the agreement and eviction from the vacation rental or short term rental unit by the owner or resident agent, and potential liability for payment of fines levied by the Town.

4. Occupants may only park in the spaces designated on the rental certificate sketch, in compliance with chapter 19 of the Code.

5. Any vessels must be moored at an onsite docking facility or stored in compliance with chapter 19 of this Code. No vessel docked at a vacation rental or short term rental shall be used for live-aboards, sleeping or overnight accommodations.

6. All occupants must evacuate from the vacation rental or short term rental upon posting of any nonresident evacuation order.

7. For all short term rentals:

   a. The use of the pool and pool deck or other outdoor facilities shall be limited to 8:00 a.m. to 10:00 p.m.; and

   b. The use of any machine or device for producing or reproducing any sound between the hours of 10:00 p.m. and 8:00 a.m., shall be allowed only within the fully enclosed short term rental unit and shall not be audible at the property line of the short term rental unit.

(k) *Vacation rental or short term rental dwelling.*

1. There shall be posted, in the dwelling on or within ten feet of the front door, all of the following information:

   a. The name, address and phone number of the rental agent; and

   b. The maximum occupancy of the dwelling; and

c. The maximum number of vehicles that can be parked at the dwelling, along with a sketch of the location of the parking spaces; and

d. The days of trash pickup, and a notice that trash shall not be left or stored outside the dwelling except after 6:00 p.m. on the day prior to pickup, and the trash containers shall be removed from the curb no later than 6:00 p.m. on the day of pickup; and

e. The location of the nearest hospital and police station; and

f. A legible copy of the rental certificate; and

g. A legible copy of this section; and

h. A legible copy of the agreement between the owner and the vacation rental or short term rental occupant(s), for the duration of the rental period covered by that agreement.

2. Each vacation rental or short term rental must contain the covered trash container(s) provided by the Town's waste hauler. Placement of trash container(s) for curbside pickup shall be in compliance with Town regulations.

(l) *Revocation or suspension of rental certificate.* Violation of this section, after proper notice and hearing, is a basis for revocation or suspension of a rental certificate.

1. *Suspension.* The Town Manager may suspend the rental certificate for a specific period of time not to exceed six months, or until certain conditions have been complied with or violations cured.

2. *Revocation.* The Town Manager may revoke the rental certificate. After revocation of a property owner's rental certificate, the owner shall not reapply for a rental certificate for any property in the Town until the basis for the revocation has been resolved and in no event prior to six months following the date of revocation.

3. *Penalty.* If the property owner, after such revocation or suspension, thereafter continues to allow vacation rental or short term rental use of the dwelling, each day of continued use shall be a continuing violation subject to a fine up to the maximum permitted by law per day, which fine shall result in a lien upon the vacation rental or short term rental dwelling or other property of the owner as otherwise provided in this Code.

(m) *No limitation of remedies.* Nothing in this section shall limit the Town from enforcement of its Code, State or Federal law by any other legal remedy available to the Town. Nothing in this section shall be construed to limit or supplant the power of the Inspector(s), Code Enforcement Officer or Code Enforcement Special Magistrate under the Town's ordinances, rules and regulations and the authority granted under State law, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance as defined under State law or the Town's ordinances, codes or regulations or to abate a nuisance by any other lawful means or proceedings.

(n) *Sale or transfer of dwelling unit used for vacation rental or short term rental use.* Whenever a dwelling used for vacation rental or short term rental use is sold or otherwise changes ownership and the new owner desires to use the dwelling for vacation rental or short term rental use, the new owner must, prior to allowing any such use:

1. Schedule and obtain an inspection of the dwelling with the Code Compliance Division; and

2. Apply for a rental certificate for the vacation rental or short term rental use.

(o) *Rules and procedures.* The Town Manager or designee may create rules and procedures to assist in the implementation of this section, including but not limited to a timeline and procedure for all existing vacation rentals and short term rentals to apply for and obtain their first rental certificate pursuant to this section in a manner consistent with available staff resources.

(p) *Existing rental uses.*

(1) Existing vacation rentals are those existing rentals or those subject to valid written agreements executed prior to the effective date of the ordinance [from which this section is derived], which obligate a property owner to rent a dwelling in violation of this section. Existing vacation rental uses shall comply with this section no later than May 26, 2010.

(2) Existing short term rentals are those existing rentals or those subject to valid written agreements executed prior to April 25, 2017, which obligate a property owner to rent a dwelling in violation of this section. Existing short term rental uses shall comply with this section no later than September 30, 2017.

(q) *Appeals.* A revocation or suspension of the rental certificate, or of rental agent status, by the Town Manager may be appealed to the Town Commission, as provided in this subsection.

1. *Applicability.* The owner of a vacation rental or short term rental may file an appeal of a revocation or suspension of a rental certificate for the owner's property. A person may file an appeal of a revocation or suspension of his or her rental agent status.

2. *Filing of appeal.* The appeal shall be filed within 30 days of receiving notice of the revocation or suspension by certified mail, in a form specified by the Town and accompanied by an application fee in an amount to be determined by resolution of the Town Commission. Failure to file an appeal within 30 days shall constitute a waiver of all rights to appeal the revocation or suspension.

3. *Notice and scheduling of appeal hearing.* The public hearing on the appeal shall be scheduled for the first available Town Commission meeting following completion of the Town's review and evaluation of the application or such other time as is mutually agreed upon between the applicant and the Town Manager. If the appeal involves a rental certificate, the property owner shall be responsible for providing mailed notice of the hearing to all property owners located within 300 feet of the vacation rental's or short term rental's property line.

4. *Appeal hearing.* At the public hearing, the Town Commission shall consider the appeal application, the relevant support materials, the Town Manager's recommendations, and public testimony given at the hearing. If, at any time during the public hearing, the Town Commission determines that the appeal is based upon incomplete or inaccurate information or misstatements of fact, it may deny the appeal or refer the application back to the Town Manager for further review and revised recommendations. The Town Commission shall presume the original decision of the Town Manager was correct, and shall only overturn such decision where there has been an error of fact or law. At the close of the public hearing, the Town Commission, by not less than a majority of the quorum present, shall approve a resolution granting, granting with conditions, or denying the appeal.

5. *Judicial relief.* The applicant, or any aggrieved person who has opposed the appeal at the public hearing, may appeal the decision of the Town Commission by filing a petition for writ of certiorari in the circuit court in and for Broward County, in accordance with the procedures provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure.

(Ord. No. 2009-19, § 9, 5-26-09; Ord. No. 2009-30, § 8, 12-1-09; Ord. No. 2014-13, § 2, 10-28-2014; Ord. No. 2014-13, § 2, 10-28-2014; Ord. No. 2017-05, § 3, 4-25-2017)

4501 N. Ocean Drive, Lauderdale-The-Sea, FL 33308
(954) 640-4210
BTR@lbts-fl.gov
M-F 8:30 AM-4:30 PM

LAUDERDALE•BY•THE•SEA

24-HOUR RENTAL AGENT INFORMATION CHANGE SHEET
Vacation/Short Term Rentals

Date: _____ **Rental Property Address:** _____

NEW 24-HOUR AGENT INFORMATION – MUST BE LOCAL

Only one Agent allowed. Must respond to site within 3 hours of notification by Town. Must be at least 18 years of age.

Agent's Name (must be a specific person, not a business): _____

Agent's Mailing Address (no P. O. Box): _____

City & State: _____ ZIP: _____

Agent's 24-Hour Cell Phone Number (ONE number; must be answered 24/7): _____

Agent's E-Mail:_____

NEW 24-HOUR AGENT'S AGREEMENT:

BY signing this AGREEMENT, the Local Agent agrees to use his or her best efforts to assure that the vacation rental use of the dwelling unit will not disrupt the residential character of the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their residences. Additionally, the Local Agent certifies that he or she agrees to perform the duties specified in Section 30-327(i)(2) of the Town Code. Furthermore, the Local Agent acknowledges that they were provided a copy of Town Code Section 30-327. - Vacation rentals and short-term rentals.

24-Hour Agent's Signature: _____

Printed Name: _____

OWNER'S AFFIDAVIT:

I HEREBY DECLARE that all information provided in this application is true and correct and, further, understand that providing false or misleading information on this application may result in being denied, or the loss thereof, of any license or permit issued by the Town of Lauderdale-By-The-Sea which was based upon information provided in this application.

Property Owner's Signature: _____

Printed Name: _____

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

SWORN TO and subscribed before me by means of _____physical presence or _____online notarization, this _____day of _____, 202_____.

_____

NOTARY PUBLIC, State of Florida

Personally known _____or produced identification _____

Type of identification produced:_____

4501 N. Ocean Drive, Lauderdale-The-Sea, FL 33308
(954) 640-4210
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M-F 8:30 AM-4:30 PM

5/29/2020