



**TOWN OF REDINGTON BEACH
COMMISSION WORKSHOP MEETING
AGENDA**

**Wednesday, January 17th, 2024
6:30pm**

Town Hall

Assembly Hall

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF AGENDA**
- 5. PUBLIC FORUM: Non-Agenda Items Only NOTE: A three-minute time limit applies to all comments from the public on non-agenda items only. If a person wishes to address the Board of Commissioners, **about a NON-AGENDA item**, please fill out a "Speakers Card" and give it to the Town Clerk prior to the start of the meeting.**
- 6. UNFINISHED BUSINESS**
 - A. Discussion of Short-Term Rental Code Enforcement**
- 7. NEW BUSINESS**
- 8. OTHER BUSINESS**
- 9. ADJOURNMENT**

Note: The Town of Redington Beach Board of Commissioners meet the First Wednesday of each month beginning at 6:30 p.m.

The Town of Redington Beach Board of Commissioners may take action on any matter during this meeting, including items that are not set forth within this agenda.

Minutes of the Board of Commissioners meeting may be obtained from the Town Clerk's office. The meetings may be recorded. The Minutes are not transcribed verbatim. It is the policy of the Board of Commissioners to make "action minutes" of all meetings.

Persons requiring a verbatim transcript of any Town meeting (for purposes of appeal or otherwise) should make arrangements to have a certified Court Reporter, at their own cost and expense, present at the meeting.

Persons who wish to appeal any decision made by the Board of Commissioners with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. (F.S. 286.0105) **Notice Regarding Special Accommodations: (F.S. 286.26)**

In accordance with F.S. 286.26 persons with disabilities needing special accommodations to participate in this meeting should contact the office of the Town Clerk 727-391-3875 no later than 2:00 p.m. on the day prior to the meeting to make arrangements for such special accommodations.

Agenda item 6A.

**Discussion of Short-term Rental Code
Enforcement**

Chapter 12

Article VIII

The Town's existing Short-Term Rental Regulations

ARTICLE VIII. - SHORT TERM RENTAL REGULATIONS

DIVISION 1. - GENERAL PROVISIONS

Sec. 12-150. - Definitions.

The following terms as used in this chapter are defined as set forth hereinafter:

Bedroom means any room in a vacation rental which has a bed or other place for sleeping and a separate closet that is an integral part of the permanent construction within the bedroom or an ensuite bathroom, and which has been reflected as a bedroom on the construction plans approved by the town's building official, and which complies with the Florida fire code and florida life safety code as a bedroom, but shall not include a bathroom, a kitchen, a dining room, a family room, a sunroom, a closet, a utility room, a laundry room, or any main living area. If a room has been added, altered, or converted without any required building permit having been granted, such room shall not be deemed a bedroom.

Living area. The area under roof designated primarily for habitation and specifically excluding garages. As used in this article, the total living area shall be computed as follows: The exterior dimensions of all enclosed spaces within the framework of the building unit (length and width), multiplied and totaled, as follows:

- (1) Any room or area accessible from any other room or area within the framework shall constitute living area.
- (2) A room or area must be totally enclosed by walls and covered by roofing.
- (3) A room or area must be protected from the elements.
- (4) A utility room within the framework of the main building and accessible within the main living area constitutes living area.

Occupant means any person who occupies a vacation rental.

Overnight means being present in the vacation rental at any time between the hours of 9:00 p.m. and 7:00 a.m.

Owner occupied means the vacation rental is then occupied by person(s), at the vacation rental owner's consent, who do not pay rent for the occupancy of the vacation rental, when such persons are members of the family of the vacation rental owner. Family member shall mean spouses, former spouses, non-cohabitating partners, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

Peer-to-peer platform/entity shall mean any person, service, business, company, marketplace, or other entity that, for a fee or other consideration, provides property owners and responsible parties a platform or means to offer vacation rentals to transient occupants whether through the internet or other means.

Responsible person shall mean the owner, or the natural person designated by the owner of the vacation rental to be called upon to answer for the maintenance of the vacation rental and the conduct and acts of vacation occupants of residential properties. A corporation, partnership, or other legal entity cannot be a responsible person.

Town code shall mean the town's codified code of ordinances including the zoning code, all uncoded ordinances, the town's comprehensive plan, and the future land use map.

Transient public lodging establishments means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which 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.

Vacation rental shall mean a vacation rental as defined by F.S. § 509.242(1)(c).

Vacation rental owner is the fee simple owner of the vacation rental, whether an individual, partnership, corporation, limited liability company, trust, or other entity. In the event the vacation rental owner is not an individual, the vacation rental owner shall designate a responsible natural person to perform the functions and duties of a vacation rental owner herein. The duties and functions of a vacation rental owner may, at the option of the vacation rental owner, be performed by an agent of the vacation rental owner, so long as the vacation rental owner notifies the town in writing on a form provided by the town, of the identity and contact information of such agent, and the specific duties that the agent will be performing for the vacation rental owner. The vacation rental owner may change the designation of agent at any time through the filing of a new form and the payment of an administrative fee in an amount as set in resolution by the town commission. The vacation rental owner shall be held responsible for all actions of such designated agent with respect to the applicable vacation rental.

(Ord. No. 2022-15, § 1, 12-21-22)

Sec. 12-151. - Scope; enforcement.

- (a) This article shall apply to vacation rentals within zoning districts 2 and 3.
- (b) Violations of this article shall be enforced in the manner set forth in article III of chapter 2 of the code, and shall include, in addition to the imposition of daily fines, the suspension of the vacation rental's ability to operate under the conditions set forth in this article.

(Ord. No. 2022-15, § 1, 12-21-22)

Sec. 12-152. - Appeals.

Any decision of the special magistrate finding a violation of this article may be appealed as provided for in section 2-49 of the code.

(Ord. No. 2022-15, § 1, 12-21-22)

Secs. 12-153—12-159. - Reserved.

DIVISION 2. - VACATION RENTAL REGISTRATION

Sec. 12-160. - Registration required.

As of February 1, 2023, a vacation rental registration shall be required to operate a vacation rental within the town, utilizing forms promulgated by the town. The town clerk may extend the date that such registration is required by notice on the town's website should the town not publish forms and fees for registration by January 20, 2023. Prior to the issuance of a vacation rental registration, the responsible person has the affirmative duty to ensure that the dwelling unit and property in or on which the vacation rental is or will be located, is in full compliance with the town code, F.S. Chapter 509, the Florida Building Code, the Florida Administrative Code, and the Florida Fire Prevention Code. A separate vacation rental registration shall be required for each vacation rental. The operation of a vacation rental without registration after the date registration is required shall be a violation of this article, except in the instance of providing accommodations to fulfill a rental contract existing as of December 21, 2022.

(Ord. No. 2022-15, § 1, 12-21-22)

Sec. 12-161. - Vacation rental registration.

- (a) A vacation rental registration application must be filed and signed by the vacation rental owner. An owner may apply through an agent, but in such case, the owner must execute a separate affidavit attesting that the agent is authorized by the owner to complete and submit the application on the owner's behalf. Such affidavit must be submitted along with the application.
- (b) A registration application must be submitted by using the forms promulgated by the town for such purpose. Application forms shall be submitted to the town clerk for processing. All applicable registration and inspection fees established by the town shall be submitted at the same time as the application form.
- (c) A registration application shall at a minimum, include the following:
 - (1) Address of the vacation rental property being registered, along with proof of ownership, which may be in the form of a deed or copy of the property appraiser's website information on the property;

- (2) Name, address, phone number, and e-mail of the property owner and the date upon which the owner took title to the property;
- (3) Name, address, e-mail, and emergency contact phone number of responsible person for the vacation rental, which shall be a 24 hour, seven days a week contact number;
- (4) The vacation rental's current and active license number as a transient public lodging establishment with the Florida Department of Business and Professional Regulation (DBPR);
- (5) A copy of the vacation rental's current and active certificate of registration with the Florida Department of Revenue and Pinellas County for sales and tourist development tax collection, respectively, if the registrant has such certificates or accounts; unless a peer-to-peer platform entity through which the vacation rental is booked will be remitting all such taxes associated with the vacation rental on the responsible person's behalf;
- (6) Business tax receipt from the town, in accordance with article III of chapter 20 of the code;
- (7) Statement attesting to the number of bedrooms and paved off-street parking spaces available on the property with affirmation that "no on-street parking" will be allowed and that the parking plan submitted by the owner will be followed by the owner's guests;
- (8) Exterior site plan. An exterior plan of the vacation rental property produced by an architect, engineer or professional draftsman shall be provided. The plan shall depict and identify the outer boundaries of the property, and all structures, docks, sheds, paved parking areas, pools, spas, hot tubs, and fencing. For purposes of the plan, off-street parking spaces allowed by the code to be used for parking shall be delineated so as to enable a fixed count of the number of spaces provided;
- (9) Interior structural plan by floor. An interior structural plan of the vacation rental structure by floor, produced by an architect, engineer or professional draftsman, shall be provided. The interior structural plan shall depict a floor layout identifying all spaces on each floor, and shall label each space as a bedroom (as defined by this article), bathroom, kitchen, office, den, dining room, family room, sunroom, closet, utility room, laundry room, hallway, stairway, or any other spatial element of the structure;
- (10) Acknowledgement signed by the owner, or owner's authorized agent, acknowledging and agreeing to initial and ongoing compliance with this article and all other town codes and federal, state and county laws which are applicable to the owner's ownership, maintenance, repair, modification, and use of the vacation rental property;
- (11) An application must provide the phone number associated with the landline telephone required by section 12-176;
- (12) A listing of the occupancy limit established by this article, calculated in the manner set forth in this article, and an acknowledgement that the owner will ensure compliance with the occupancy limit;

- (13) A narrative parking plan acknowledging that no more than three passenger vehicles (cars, pickup trucks, wagons, suvs) may park on the vacation rental property at any one time, and outlining where vehicles will be parked and how guests will be made aware of the parking rules, including the prohibition against guests parking off-site;
 - (14) A copy of the conduct rules adopted by the owner which will apply to the conduct of the owner's guests, and a narrative statement setting forth how the owner will ensure each guest are provided a copy of, and made to acknowledge, these rules;
 - (15) A statement attesting that the owner has made all structural revisions to the vacation rental property, and all operational policies have been adopted to ensure compliance with the Americans with Disabilities Act's requirements for places of public accommodation; and
 - (16) A narrative statement setting forth how the owner will ensure each guest is provided a copy of, and made to acknowledge, the town rules which must be disclosed to each guest, including the town's rules related to solid waste storage, setting out solid waste on correct collection days, the noise restrictions associated with the vacation rental's use, the parking restrictions, and the quiet hour rules, all as are set forth in this article and as otherwise set forth in the code.
- (d) Forms must be fully completed, incomplete applications will not be processed. The town clerk does not have discretion to deny a registration application which is found to be complete, and which is found to satisfy the requirements of this article. If a registration application is found by the town clerk to be incomplete, or that the information submitted (such as the parking plan) does not satisfy a requirement of this article, the clerk will notify the applicant in writing setting forth the deficiencies to be addressed. The applicant will then be allowed 15 days to provide any missing information or to otherwise revise the application to make it compliant with this article. If an applicant disagrees with a determination of the clerk as to the completeness of an application, or an application's compliance with this article, the applicant may, within 15 days of the date of the clerk's determination, file a written appeal to the town commission. The appeal must set forth the specific factual and legal reasons supporting the applicant's appeal.

(Ord. No. 2022-15, § 1, 12-21-22)

Sec. 12-162. - Modification/change of ownership of vacation rental registration.

- (a) An amendment of a vacation rental registration application and affidavit of compliance shall be required, with payment of the appropriate fee, in the event that any of the following changes to the vacation rental are proposed:
 - (1) An amendment to the owner's safety or parking plans;
 - (2) An amendment to the owner's conduct rules to be followed by guests;
 - (3) A change in the designated responsible person.

Such amendments will be approved by the town upon a finding by the town clerk that the changed plans, rules or designation otherwise continue to comply with the requirements of this article.

- (b) A change of ownership, including transfers between legal entities under common control, shall require a new application, and shall be accompanied by the applicable application fee.

(Ord. No. 2022-15, § 1, 12-21-22)

Sec. 12-163. - Duration of vacation rental registration.

A vacation rental registration shall be valid for one year from the date the application is approved. An approved registration shall constitute permission to operate the vacation rental.

(Ord. No. 2022-15, § 1, 12-21-22)

Sec. 12-164. - Renewal of vacation rental registration.

A vacation rental owner must renew its registration annually prior to the expiration date of the previous vacation rental registration and is subject to an annual inspection and applicable fees.

(Ord. No. 2022-15, § 1, 12-21-22)

Sec. 12-165. - Inspection of vacation rentals.

- (a) To verify compliance with the Florida Building, Fire, and Life Safety Codes applicable to the vacation rental property, and to verify the interior and exterior plans submitted with the application accurately depict the conditions on and in the property, and to ensure all required safety equipment such as phone line and fire extinguishers are properly installed, and to verify the guest conduct information is properly displayed, each vacation rental shall, in conjunction with its initial or annual renewal application, be inspected by the town building official. The town will endeavor to coordinate an inspection date with the owner and complete the inspection process prior to the expiration of an existing registration period. However, only as to renewing applicants, if the availability of the building official causes a delay in that process, the town clerk is authorized to allow the vacation rental to continue operating on an interim basis for up to 30 days. Newly-registering vacation rentals may not begin operating until the application process, including the associated inspection, is completed.
- (b) If instances of noncompliance are found, all such instances of noncompliance shall be handled either as violations of the Florida Building, Fire, or Life Safety Codes are otherwise handled by the building official under state law and Town Code or, if the violation is not related to a code under the jurisdiction of the building official, it shall be referred to code enforcement and handled as a code violation.

(c)

Initial and annual inspections required under this section shall be made by the building official through coordinating an appointment with the vacation rental owner or the owner's authorized agent or responsible person. If an inspection date is set but the building official is, due to an action or inaction of the owner, the responsible person, or occupant, denied or otherwise unable to make entry onto the property to conduct the inspection on the date set, the owner must re-apply for an inspection and pay an additional inspection fee. The re-inspection fee shall be paid prior to scheduling the re-inspection. Failure of a vacation rental owner agent, or responsible person, as applicable, to make the vacation rental available for an inspection within 20 days after notification by the town in writing that the town is ready to conduct the annual inspection shall constitute a violation of this article. Such violation shall continue until the inspection is accomplished.

(Ord. No. 2022-15, § 1, 12-21-22)

Sec. 12-166. - Sale of vacation rental property.

When title to a registered vacation rental is transferred due to sale or otherwise, the new owner shall file a new registration application within 30 days from the date title changes to the new owner. A new owner may not continue to operate a currently-registered vacation rental if an application is not filed within the 30 day period and any existing approved registration will expire on the 31st day from the date title changes.

(Ord. No. 2022-15, § 1, 12-21-22)

Sec. 12-167. - Vested rights; waiver; estoppel.

Approval of a vacation rental registration shall not be construed to establish any vested rights or entitle the registered vacation rental to any rights under the theory of estoppel, nor shall it be construed as a waiver of any other requirements contained in the town code. It is not an approval of any other code requirement outside this article. The registration of a vacation rental is not an approval of a use or activity that would otherwise be illegal under state law or the Florida Building, Fire, or Life Safety Codes, or a violation of the code. In the event the town regains, either through judicial or legislative action, the authority to enforce Ordinance No. 08-01, the town will terminate all vacation rental registrations. In that event, the town will coordinate with registered owners to develop an orderly cessation of operations.

(Ord. No. 2022-15, § 1, 12-21-22)

Sec. 12-168. - False information.

It shall be unlawful for any person to give any false or misleading information in connection with any application for registration, modification, or renewal of a vacation rental as required by this article. Vacation rental applications shall be sworn to under penalty of perjury. Any false statements made in an application shall be a basis for the revocation of any license issued pursuant to such application.

Sec. 12-169. - Duties of vacation rental owner and responsible person.

- (a) Every vacation rental owner, or responsible person if one is designated, shall be available by phone at the listed phone number 24 hours a day, seven days a week, including holidays to respond to contact by the sheriff's department, fire department, or other emergency personnel, or by any other regulatory personnel of the town. Failure of the vacation rental owner or responsible person to comply with this requirement shall be a violation of this article.
- (b) Responsible person. If a vacation rental owner does not directly manage the registered vacation rental property owned by the owner, the owner shall designate a responsible person.
 - (1) The responsible person shall be available 24 hours per day, seven days a week, for the purpose of promptly responding to complaints regarding conduct or behavior of vacation rental occupants or alleged violations of these regulations. This person must have authority to immediately address and take affirmative action, within one hour of notice from the town or other relevant governmental agency, on violations concerning life-safety, noise, violent confrontations, trespassing, capacity limit violations, and parking violations. A record shall be kept by the town of the complaint and the responsible person's response.
 - (2) An owner may change his/her/its designation of a responsible person temporarily, up to 30 cumulative days during any consecutive 12 month period, or permanently; however, there shall only be one designated responsible person for each vacation rental property at any given time.
 - (3) It shall be the sole responsibility of the property owner to appoint a reliable responsible person and to inform the manager of his or her correct mailing address. Failure to do so shall not be a defense to a violation of this section. Service of notice on the responsible person shall be deemed service of notice on the property owner, guest, occupant and violator.
- (c) A vacation rental owner or responsible person is responsible for ensuring sexual offenders/predators as defined in F.S. §§ 775.21, 943.0435, 944.607, or 985.4815 register at the Pinellas County sheriff's office following the process set forth in F.S. § 775.21, 48 hours prior to arrival at a vacation rental, regardless of the length of stay.

A vacation rental owner and/or responsible person shall comply with F.S. § 775.215 pertaining to the distance separation of homes with a sexual offender/predator residing within the vacation rental and any business, school, child care facility, park, playground, or other places where children regularly congregate.

Failure to comply with this section shall, in addition to the institution of a code violation action, result in the revocation of the vacation rental's business tax receipt and vacation rental registration.

(d)

The vacation rental owner or responsible person shall inquire at check-in if any guest at the vacation rental is a sexual offender/predator as defined in F.S. §§ 775.21, 943.0435, 944.607, or 985.4815. If any guest of a vacation rental public lodging is a sexual offender/predator as defined in those statutes, the operator shall immediately notify the Pinellas County sheriff's office.

- (e) The vacation rental owner or responsible person shall obtain a copy of the photo identification of each vacation rental occupant who is 18 years of age or older prior to check-in, and shall maintain those records for a period of two years from the date of check-in and make such record available to the town upon request.
- (f) The owner or responsible person shall provide the town and post in a conspicuous place in the premises, the name, address and day/evening telephone numbers of the responsible person and be available 24 hours per day, seven days a week for the purpose of promptly responding to complaints regarding conduct or behavior of vacation rental occupants or alleged violations of these regulations. Any change in the responsible person shall require written notification to the town on forms provided by the town and in a manner promulgated by the town upon payment of the applicable fees.
- (g) Complaints to the responsible person concerning violations by occupants of vacation rental units to this section shall be responded to within a reasonable time but in no instance greater than one hour. A record shall be kept of the complaint and the manager's response for a period of at least two years after the incident, a copy of which shall be made available to the town upon request.
- (h) An owner may change his or her designation of a responsible person; however, there shall only be one responsible person for each vacation rental property at any given time. To change the designated agent or responsible person, the owner shall notify the town in writing of the name, contact information and other information required in this subsection for the new responsible person, along with a signed affidavit from the new responsible person acknowledging receipt of a copy of this article and agreeing to serve in this capacity and perform the duties set forth in this article. Any notice of violation or legal process which has been delivered or served upon the previous responsible person, prior to the town's receipt of notice of change of the responsible person, shall be deemed effective service.
- (i) It shall be the sole responsibility of the property owner to appoint a reliable responsible person and to inform the responsible person 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 responsible person any person who does not expressly comply with the provisions of this section. The property owner and the responsible person shall jointly and severally be deemed to be the "violation" of this article as the term is used in F.S. § 162.06. By designating a responsible person, a vacation rental owner is deemed to agree that service of notice on the responsible person at the address listed by the owner shall be deemed service of notice on the owner, responsible person,

and violating guest. Copies of all code violation notices shall also be provided to the property owner in the manner set forth in F.S. § 162.12. If, alternatively, a citation is issued by the code deputy, the citation process set forth in F.S. § 162.21.

(Ord. No. 2022-15, § 1, 12-21-22)

Secs. 12-170—12-174. - Reserved.

DIVISION 3. - STANDARDS AND REQUIREMENTS FOR VACATION RENTALS

Sec. 12-175. - Generally.

The standards and requirements set forth in this article shall apply to the rental, use, and occupancy of vacation rentals in the town.

(Ord. No. 2022-15, § 1, 12-21-22)

Sec. 12-176. - Minimum safety and operational requirements and limitations.

- (a) Each vacation rental shall comply with all requirements and standards under state law, including the Florida Building Code, the Florida Administrative Code, the Florida Swimming Pool Safety Act, and the Florida Fire Code and Life Safety Code.
- (b) Each vacation rental shall install, maintain and have ready for guest use at least one working landline telephone with the ability to call 911. This telephone shall be located in the common area on the first occupied floor of the vacation rental. The landline telephone number shall be registered at all times with Pinellas County Emergency Management for the purpose of receiving emergency alerts for items including, but not limited to, mandatory evacuations for hurricanes and requests to limit utility usage. Additionally, the landline telephone number shall be registered at all times with the Pinellas County utilities department for the purposes of receiving boil water alerts.
- (c) Each vacation rental shall post a copy of the town's rules required by section 12-161 either on the interior of the front door of the vacation rental, or on a wall within five feet of the front door. The rules shall be rendered in english, using a non-script font such as times new roman or arial, and shall be in a font no smaller than 14-point. If the town publishes rules applicable to vacation rentals on the town's website, the posted rules must, at a minimum, contain those rules.
- (d) Since vacation rentals are places of public accommodation, all vacation rentals shall be structurally modified in such a manner as to be compliant with the Americans with Disabilities Act and the Florida Accessibility Code. Owners shall ensure their operational policies and hosting platforms comply with the requirements of the Americans with Disabilities Act.

- (e) Each vacation rental shall post a copy of the owner's conduct rules required by section 12-161 either on the interior of the front door of the vacation rental or on a wall within five feet of the front door. The rules shall be rendered in english, using a non-script font such as times new roman or arial, and shall be in a font no smaller than 14-point.
- (f) Each vacation rental shall post the occupancy capacity limit for the vacation rental. The occupancy capacity limit for the vacation rental shall be posted either on the interior of the front door of the vacation rental, or on a wall within five feet of the front door. The occupancy capacity limit shall be rendered in english, using a non-script font such as times new roman or arial, and shall be in a font no smaller than 20-point.
- (g) Each vacation rental shall post the name, email and phone number of the owner or designated responsible person. This information shall be posted either on the interior of the front door of the vacation rental, or on a wall within five feet of the front door, shall be rendered in english using a non-script font such as times new roman or arial, and shall be in a font no smaller than 14-point.
- (h) A vacation rental may not, either directly or through a third party or hosting platform, allow or provide for reservation of rented ad-ons such as the delivery to the vacation rental of boats, golf carts, jet skis, kayaks.
- (i) No vacation rental may be advertised or used as an event venue. Events which draw or invite persons other than the occupant guests who have rented the property from the owner, including weddings, family reunions, movie shoots, and corporate retreats, are prohibited.
- (j) No persons other than the occupants who have rented the property from the owner may remain in or on the property between the quiet time hours of 9:00 p.m. and 7:00 a.m.
- (k) No pool, spa, jacuzzi, or outdoor sport courts on the property of a vacation rental may be used by any person between the quiet time hours of 9:00 p.m. and 7:00 a.m.
- (l) Amplified music or other sound, including spoken voices, is strictly prohibited from being played at any time on the property of a vacation rental, except where such amplified music or sound is played within the residential structure, over speakers located only within and not on the exterior of the residential structure, and where the windows and doors of the vacation rental are closed.

(Ord. No. 2022-15, § 1, 12-21-22)

Sec. 12-177. - Maximum occupancy based on site capacity/limitations.

- (a) The maximum occupancy of a vacation rental shall be stated in the vacation rental registration form, and shall be limited to two occupants (as defined herein) per bedroom (as defined in this article), but with a maximum capacity of eight persons.
- (b) The maximum occupancy restriction as set forth above shall not apply when the property is owner-occupied by the vacation rental owner, if the owner is a natural person.

Sec. 12-178. - Parking, solid waste disposal, legal compliance, evacuations, miscellaneous provisions.

- (a) All vehicles associated with the vacation rental, including the vehicles of temporary visitors present between the hours of 7:00 a.m. and 9:00 p.m. must be parked in compliance with the town's parking regulations and must be parked within the legal boundaries of the property and on a paved or bricked parking surface depicted in the registration application's parking diagram. Vehicles associated with the vacation rental are strictly prohibited from parking in any other manner or location within the town, including on any town sidewalk, street, right-of-way, swale, or grass parking. Recreational vehicles (RVs), boats, jet skis and similar watercraft, campers, and trailers may not be parked at vacation rentals. Commercial motor vehicles, as defined in section 21-1 may not be parked at vacation rentals.
- (b) Solid waste disposal (household garbage, recycling, and yard trash) created at vacation rentals shall be stored and put out for pick up in compliance with section 18-30 through section 18-41 of the code, and on the day(s) of the week set out in the town's solid waste franchise agreement.
- (c) All persons renting and occupying a vacation rental shall comply with all local, state and federal laws applicable to their conduct at all times, including those related to illegal activities, the creation of nuisances, disturbances of the peace, and responses to emergency declarations.
- (d) Vacation rental occupants are required to participate in all mandatory evacuations due to hurricanes, tropical storms or other threats to resident safety, as required by state and local laws.
- (e) To the extent the town may in the future adopt a special events permitting program, neither a vacation rental property, nor a person renting or occupying a vacation rental, shall be eligible for a special event permit to be conducted on the vacation rental property.
- (f) No temporary storage containers may be stored on the vacation rental premises. The term "temporary storage container" shall mean any container, structure, box, cylinder, or crate made of any material not permanently affixed to real property, that is enclosed or capable of being enclosed on all sides, top and bottom, that is stored, placed, located or put on any real property within the town for the purpose of storing personal property, construction material, trash, refuse, garbage, debris, or other material or matter. Provided, however, with prior authorization from the building department a temporary storage container may be authorized during valid construction permit activity for this location. For purpose of this section, a garbage can or a recycling container, as those terms are defined in section 18-2 of the code, are not temporary storage containers.
- (g) No accessory structure, vehicle, recreational vehicle, trailer, camper, or similar apparatus shall be utilized or rented as a vacation rental.
- (h)

Vacation rental occupants are prohibited from bringing any dog or cat onto the vacation rental property.

- (i) Vacation rental occupants shall not use or burn any tobacco product, including any pipe, cigar or cigarette, outside of the interior walls of a vacation rental.

(Ord. No. 2022-15, § 1, 12-21-22)

Sec. 12-179. - Additional required local information provided in a vacation rental.

- (a) In addition to the information required to be posted in each vacation rental pursuant to section 12-176, there shall also be provided, in a prominent location on the inside of the vacation rental, the following written information:
 - (1) The official street address and landline telephone phone number of the vacation rental;
 - (2) A copy of a document to be supplied by the town which includes excerpts from Town Code provisions of general application relevant to vacation rentals to include solid waste pick-up regulations, noise regulations, and regulations related to sea turtles and sea turtle lighting;
 - (3) The maximum number of vehicles that will be allowed to park at the vacation rental, along with a sketch of the location of the paved off-street parking;
 - (4) The days and times of trash and recycling pickup;
 - (5) Phone number and address of HCA Florida St. Petersburg Hospital and HCA Florida Pasadena Hospital, and directions from the vacation rental to each hospital;
 - (6) Emergency and nonemergency phone numbers for the Pinellas County sheriff's office and Madeira Beach Fire Department;
 - (7) Emergency evacuation instructions and routes;
 - (8) Rip currents are prevalent in the Gulf of Mexico, information from the National Weather Service, available via from <http://weather.gov> shall be provided to occupants on the dangers of rip currents that occur in the Gulf of Mexico;
 - (9) Notice of the need for respect for the peace and quiet of neighborhood residents, especially between the quiet hours of 9:00 p.m. and 7:00 a.m. established in this article, and a statement that all occupants are prohibited from playing amplified music or sound outside of the vacation rental structure, and from making excessive or boisterous noise in or on the vacation rental property, at all times;
 - (10) There shall be posted, next to the interior door of each bedroom, and the exterior doors exiting the vacation rental a legible copy of a building evacuation map-Minimum eight and one-half inches by 11 inches.

(Ord. No. 2022-15, § 1, 12-21-22)

Sec. 12-180. - Minimum life/safety requirements.

- (a) Swimming pool, spa, and hot tub safety. A swimming pool, spa, or hot tub shall comply with the current standards of Florida Statutes Chapter 515 Residential Swimming Pool Safety Act.
- (b) Smoke and carbon monoxide (CO) detection and notification system. There shall be a smoke and carbon monoxide detection system, installed and maintained in compliance with the requirements of Florida Building Code Residential, sections R314 Smoke Alarms, R315 Carbon Monoxide Alarms.
- (c) Fire extinguisher. Each vacation rental shall install and maintain a working AFFF (aqueous film-forming foam) or FFFP (film-forming fluoroprotein) fire extinguisher rated for use on both class A and class B fires on each floor. The fire extinguishers shall not be installed inside of a closet or cabinet, but rather must be installed on a wall in an area clearly visible to guests. Each fire extinguisher shall be installed and maintained in compliance with NFPA 10.
- (d) Battery powered emergency lighting. Battery powered emergency lighting, which illuminates automatically for at least one hour when electricity is interrupted, is required at each building exit.

(Ord. No. 2022-15, § 1, 12-21-22)

Secs. 12-181—12-184. - Reserved.

DIVISION 4. - EXEMPTIONS

Sec. 12-185. - Exemption for pre-existing rental agreements.

Notwithstanding any other provision of this article, a rental agreement with prospective occupants for vacations rentals that were entered as of December 21, 2022 (hereinafter "preexisting agreement") is exempt from the provisions of this article to the extent any term of this article conflicts with a term of the pre-existing agreement.

If a vacation rental is cited for a violation of this article, (that would not be a violation if it were not for this article), when the vacation rental 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 was exempt from this article 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 preexisting 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 timeframe to make the agreement a pre-existing agreement under this chapter; or
- (4) Written vacation rental agreement dated prior to December 21, 2022.

If it is reasonably determined by the code enforcement deputy, and confirmed by the town's special magistrate, that any information supplied to the town 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 code enforcement proceeding and prosecution under F.S. § 837.06.

(Ord. No. 2022-15, § 1, 12-21-22)

Sec. 12-186. - Exemption for owner occupied vacation rentals.

The provisions of this article shall not apply to owner occupied vacation rentals or property which is homestead under the Florida Constitution and Florida law from forced sale under any process of law. Any person desiring to qualify for the exemption herein shall file an affidavit in substantially the following form:

"Affidavit of Exemption"

State of _____

County _____

Before me the undersigned authority personally appeared _____ (hereinafter the "Owner") who upon oath deposes and states:

1. I am over the age of 18 and competent to make this Affidavit.
2. I own the following real property in the Town of Redington Beach, Pinellas County, State of Florida:
(Legal description and street address)

3. Check one or both as applicable:

() I currently occupy the property described in paragraph 2 above and have resided on this property continuously and uninterruptedly from (date) to the date of this Affidavit.

or

() I have applied for and received the homestead tax exemption as to the above-described property, that _____ is the tax identification parcel number of this property, and that the undersigned has resided on this property continuously and uninterruptedly from (date) to the date of this Affidavit.

4. The purpose of this Affidavit is to qualify for exemption from the Town of Redington Beach Vacation Rental Ordinance.

Sworn and subscribed before me by _____ this ____ day of 20 ____.

Notary

(Ord. No. 2022-15, § 1, 12-21-22)

Proposed Ordinance 2024-01

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, FLORIDA, CREATING § 12-170 OF THE TOWN CODE TO PROVIDE STANDARDS FOR THE SUSPENSION OF A VACATION RENTAL REGISTRATION; AMENDING § 12-176 OF THE TOWN CODE TO PROHIBIT EVENT TENTS AT VACATION RENTAL PROPERTIES; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

WHEREAS, the Town adopted its current vacation rental regulations via Ordinance 2022-15 on December 21st 2022; and

WHEREAS, § 12-151(b) of the Code provides that violations of the vacation rental code will be enforced as provided for in article III of chapter 2 of the Code, “and shall include, in addition to the imposition of daily fines, the suspension of the vacation rental’s ability to operate under the conditions set forth in this article”; and

WHEREAS, to better guide the Code Enforcement Magistrate during enforcement hearings, the Commission seeks to revise the vacation rental code by providing the specific conditions under which a vacation rental owner’s registration can be suspended; and

WHEREAS, § 12-176 of the Code provides for the minimum safety and operational requirements and limitations related to vacation rental properties; and

WHEREAS, the Town’s Code Enforcement Deputy and Town officials have noted that persons in control of vacation rentals in the Town have erected or hired contractors to erect event tents at the properties for the purposes of facilitating outdoor events such as weddings, parties and other gatherings which facilitates the gathering of greater than the maximum occupancy limits established by the Code and, when occurring on a regular basis as they do with vacation rental properties, is inconsistent with the quiet residential characteristic of the single family homes in the Town; and

WHEREAS, § 13-30(e) of the Town Code already prohibits the erection of tents within the dry sand areas of private properties within the Town; and

WHEREAS, § 12-176(i) of the Code provides that a vacation rental may not be used as an event venue, and prohibits events which draw or invite persons other than the occupant guests who have rented the property from the owner, including weddings, family reunions, movie shoots, and corporate retreats; and

WHEREAS, in spite of these provisions, the Town has experienced vacation renters or their agents erecting or causing to be erected tents to facilitate large gatherings; and

WHEREAS, the Commission desires to provide an even more express provision in the Code to ensure the Town’s policy is clear that tents cannot be installed or used by renters of vacation rental properties; and

WHEREAS, the Commission finds that it is in the best interest of the Town and its citizens to adopt the Code amendments set forth in this Ordinance.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Redington Beach, Florida, that:

Section 1. Section 12-170 of the Redington Beach Town Code is hereby created as follows:

Sec. 12-170. – Registration suspension.

The code enforcement magistrate or court may, in addition to assessing code enforcement fines and orders requiring compliance, as provided for in article III of chapter 2 of the code and state law, may order that the vacation rental owner's registration, and accompanying authorization to operate, may be suspended for the following reasons and for up to the corresponding suspension periods:

- (a) Knowingly submitting false information in support of a registration application as prohibited by § 12-168: one year.
- (b) Three orders finding violation of any provision of this article VIII within a 12-month period, where the orders finding violation have become final through any timely appeal: six months unless otherwise provided for in this section.
- (c) Allowing a vacation rental to be rented by, and actually used by occupants, during a period of suspension: one year.
- (d) Two separate violations of the Florida Swimming Pool Safety Act, and the Florida Fire Code and Life Safety Code within a 12-month period, where the orders finding violation have become final through any timely appeal: six months.
- (e) Two separate violations of the occupancy limits established in § 12-177 within a 12-month period, where the orders finding violation have become final through any timely appeal: six months.

Section 2. Section 12-176 of the Redington Beach Town Code is hereby amended to read as follows:

Sec. 12-176. – Minimum safety and operational requirements and limitations.

- (a) Each vacation rental shall comply with all requirements and standards under state law, including the Florida Building Code, the Florida Administrative Code, the Florida Swimming Pool Safety Act, and the Florida Fire Code and Life Safety Code.

- (b) Each vacation rental shall install, maintain and have ready for guest use at least one working landline telephone with the ability to call 911. This telephone shall be located in the common area on the first occupied floor of the vacation rental. The landline telephone number shall be registered at all times with Pinellas County Emergency Management for the purpose of receiving emergency alerts for items including, but not limited to, mandatory evacuations for hurricanes and requests to limit utility usage. Additionally, the landline telephone number shall be registered at all times with the Pinellas County utilities department for the purposes of receiving boil water alerts.
- (c) Each vacation rental shall post a copy of the town's rules required by § 12-161 either on the interior of the front door of the vacation rental, or on a wall within five feet of the front door. The rules shall be rendered in English, using a non-script font such as times new roman or arial, and shall be in a font no smaller than 14-point. If the town publishes rules applicable to vacation rentals on the town's website, the posted rules must, at a minimum, contain those rules.
- (d) Since vacation rentals are places of public accommodation, all vacation rentals shall be structurally modified in such a manner as to be compliant with the Americans with Disabilities Act and the Florida Accessibility Code. Owners shall ensure their operational policies and hosting platforms comply with the requirements of the Americans with Disabilities Act.
- (e) Each vacation rental shall post a copy of the owner's conduct rules required by § 12-161 either on the interior of the front door of the vacation rental, or on a wall within five feet of the front door. The rules shall be rendered in English, using a non-script font such as times new roman or arial, and shall be in a font no smaller than 14-point.
- (f) Each vacation rental shall post the occupancy capacity limit for the vacation rental. The occupancy capacity limit for the vacation rental shall be posted either on the interior of the front door of the vacation rental, or on a wall within five feet of the front door. The occupancy capacity limit shall be rendered in English, using a non-script font such as times new roman or arial, and shall be in a font no smaller than 20-point.
- (g) Each vacation rental shall post the name, email and phone number of the owner or designated responsible person. This information shall be posted either on the interior of the front door of the vacation rental, or on a wall within five feet of the front door, shall be rendered in English using a non-script font such as times new roman or arial, and shall be in a font no smaller than 14-point.
- (h) A vacation rental may not, either directly or through a third party or hosting platform, allow or provide for reservation of rented ad-ons such as the delivery to the vacation rental of boats, golf carts, jet skis, kayaks.

- (i) No vacation rental may be advertised or used as an event venue. Events which draw or invite persons other than the occupant guests who have rented the property from the owner, including weddings, family reunions, movie shoots, and corporate retreats, are prohibited.
- (j) No persons other than the occupants who have rented the property from the owner may remain in or on the property between the quiet time hours of 9 p.m. and 7 a.m.
- (k) No pool, spa, jacuzzi, or outdoor sport courts on the property of a vacation rental may be used by any person between the quiet time hours of 9 p.m. and 7 a.m.
- (l) Amplified music or other sound, including spoken voices, is strictly prohibited from being played at any time on the property of a vacation rental, except where such amplified music or sound is played within the residential structure, over speakers located only within and not on the exterior of the residential structure, and where the windows and doors of the vacation rental are closed.
- ~~(m)~~ Tents, whether open-sided or with walls, and regardless of shape or construction materials, may not be erected or maintained on vacation rental properties, nor used by any occupant or other person present at a vacation rental (including vendors, day visitors, caterers, and entertainers) for any purpose.

Section 3. Pursuant to Florida Statutes § 166.041(4)(a), prior to the date the public notice of the public hearing for this Ordinance was published, the Town prepared and posted on its website a business impact estimate which included: a) a summary of the Ordinance, a statement of the public purpose to be served by the Ordinance, b) an estimate of the direct economic impact of the Ordinance on private, for-profit businesses in the Town, c) an estimate of direct compliance costs that businesses may reasonably incur due to the Ordinance, d) identification of any new charge or fee on businesses created by the Ordinance or for which businesses will be financially responsible, e) an estimate of the Town's regulatory costs and of revenues from any new charges or fees imposed on businesses to cover such costs, and f) a good faith estimate of the number of businesses likely to be impacted by the Ordinance.

Section 4. For purposes of codification of any existing section of the Redington Beach Code herein amended, words underlined represent additions to original text, words ~~stricken~~ are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 5. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 6. The Codifier shall codify the substantive amendments to the Redington Beach Town Code contained in Sections 1 and 2 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 7. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the 3rd day of January, 2024, by the Board of Commissioners of the Town of Redington Beach, Florida.

ADOPTED ON SECOND AND FINAL READING on the 7th day of February, 2024, by the Board of Commissioners of the Town of Redington Beach, Florida.

Attest:

David Will, Mayor

Adriana Nieves, CMC, Town Clerk