



CITY OF DUNNELLO STAFF REPORT

Date: April 28, 2022

To: Dunnellon Planning Commission

Request: Approval of Proposed Ordinance #ORD2022-05 providing for an amendment to the City Code of Ordinances, by adding short term rental regulations.

Ordinance No. ORD2022-05

Owner: City of Dunnellon, FL

Owner Address: 20750 River Drive, Dunnellon, FL.

Applicable Statute: Short Term Rental Regulation Requirements, Chapter 166, Florida Statutes,

BACKGROUND

The City of Dunnellon Code of Ordinances constitutes a recodification of the general and permanent ordinances of the City of Dunnellon, Florida. Source materials used in the preparation of the Code were the 1985 Code, as supplemented through to present Code, and ordinances subsequently adopted by the City Council thereafter. Chapter 18, Article VIII, Section 18-240 thru Section 18-242 are to be created to address Short Term Rental Registration Requirements for owners of Short-Term Vacation Rentals in residential neighborhoods.

STAFF EVALUATION AND FINDINGS

Pursuant to Chapter 166, Florida Statutes, the City of Dunnellon may adopt ordinances and resolutions necessary to preserve the health, safety, and welfare of the residents of the City of Dunnellon, except where prohibited by law. Requirements are set by way of this ordinance defining Short Term Vacation Rentals as: the rental of any habitable space, including a room, apartment, living quarters, in any residential building, including but not limited to condominiums, single-family or multi-family homes, for a term of six months or less, as provided in F.S. § 125.0104(3)(a), as amended, unless such person rents, leases, or lets for consideration any living quarters or accommodations which are exempt according to the provisions of F.S. Ch. 212. Any Owner who is not required to register with the Florida Department of Business and Professional Regulation, as defined by F.S. Ch. 509, is exempt from this ordinance.

Requirements are as follows:

1. Register with the Florida Department of Business and Professional Regulation and the Marion County Tax Collector.
2. Obtain a City of Dunnellon Registration Certificate for each Short-Term Vacation Rental unit owned. The Certificate must identify the unit's Designated Responsible Party and current contact information. The Owner must notify the city in writing of any changes in ownership or of the Designated Responsible Party within ten (10) business days of such change.

3. Inform all guests prior to occupancy of the Short-Term Vacation Rental unit of all applicable City of Dunnellon ordinances, including noise, parking, and garbage.
4. Maintain all Short-Term Vacation Rental units under their control in compliance with the City of Dunnellon Code of Ordinances, Florida Building Code, and Florida Fire Prevention Code.
5. Be available in person or by telephone or have the Designated Responsible Party available in person or by telephone twenty-four (24) hours a day, seven (7) days a week to address any law enforcement action, emergency response, or City ordinance violation arising from the rental of the Short-Term Vacation Rental unit and be willing and able to be onsite to address violations within the next day of notification.
6. Maintain the Short-Term Vacation Rental unit as specified in the City of Dunnellon Property Maintenance Codes (Chapter 99).

Any violations of this Article may be prosecuted and shall be punishable as provided for in Section 1-12 of the Code of Ordinances. Each day of renting a Short-Term Vacation Rental unit without having a valid City Registration Certificate issued pursuant to this Ordinance shall constitute a separate and distinct violation of this Ordinance. Guests and Owners of Short-Term Vacation Rental units may be prosecuted separately and concurrently for a violation of any City of Dunnellon Ordinance, including but not limited to noise, parking, and garbage violations.

Staff Recommendation:

Staff has reviewed the proposed amendment to the City Code of Ordinance (see Ordinance as Exhibit “A”) and finds it to be consistent with the City’s Comprehensive Plan and Florida Law and requests that the Planning Commission recommend approval as presented to the City Council.

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ORDINANCE #ORD2022-05

AN ORDINANCE OF THE CITY OF DUNNELLON, CREATING ‘CHAPTER 18, ARTICLE VIII – VACATION RENTALS’ OF THE CITY’S CODE OF ORDINANCES; PROVIDING FOR CONSTRUCTION AND DEFINITIONS; PROVIDING GENERAL REGULATIONS; PROVIDING FOR VIOLATIONS, ENFORCEMENT, AND REMEDIES, PROVIDING FOR VESTING; PROVIDING FOR APPEALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, prior to 2011, Florida’s municipalities were free to regulate local land use issues under the Home Rule Authority granted them by the Florida Constitution and Chapter 166, *Florida Statutes*; and

WHEREAS, in 2011, the Florida Legislature, through the enactment of Chapter 2011-119, Laws of Florida, preempted the local regulation of a specific land use known as Vacation Rentals, thereby preventing municipalities from enacting new regulations necessary to address any consequential or negative impacts caused by Vacation Rentals; and

WHEREAS, in 2014, the Florida Legislature, through the enactment of Chapter 2014-71, Laws of Florida, rescinded the complete preemption of the regulation of Vacation Rentals, but specifically mandated that local laws, ordinances, or regulations could not prohibit Vacation Rentals or regulate the duration or frequency of Vacation Rentals; and

WHEREAS, Chapter 2014-71, Laws of Florida, returned some local control back to municipalities to mitigate the effects of Vacation Rentals in an attempt to make them safer and more compatible with existing neighborhood regulations and to hold operators of such properties accountable for their proper operation; and

WHEREAS, the Occupants of Vacation Rentals, due to the transient nature of such occupancy, are unfamiliar with local evacuation plans, the location of fire extinguishers, exit routes, pool and home safety features, and other similar safety measures that would ordinarily be provided to guests in traditional lodging establishments, i.e., hotels and motels; and

WHEREAS, if left unregulated, the Occupants of Vacation Rentals located within established neighborhoods can disturb the quiet enjoyment of the neighborhood and create numerous secondary impacts, including noise, traffic, parking, and an increased demand on public services; and

42 **WHEREAS**, traditional lodging establishments are typically restricted to commercial and
43 other non-residentially zoned areas where intensity of use is separated from less busy and quieter
44 residential uses; and

45
46 **WHEREAS**, like many other municipalities throughout the State of Florida, the City of
47 Dunnellon wishes to impose standards both to provide for the safety and welfare of Occupants of
48 Vacation Rentals, to facilitate and enable fair and healthy economic competition between forms of
49 public lodging accommodations, and to minimize any negative impacts caused by Vacation
50 Rentals in residential areas, especially established single-family neighborhoods; and

51
52 **WHEREAS**, Vacation Rentals located within established neighborhoods may disturb the
53 quiet enjoyment of the neighborhood, lower property values, and otherwise negatively impact
54 permanent neighborhood residents; and

55
56 **WHEREAS**, Vacation Rentals may create compatibility impacts, including but not limited
57 to excess noise, on-street parking, accumulation of trash, and diminished public safety; and

58
59 **WHEREAS**, traditional lodging establishments must meet stricter development
60 requirements, undergo inspections, and meet more stringent operational and business
61 requirements; and

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63 **WHEREAS**, a permanent residence is typically the largest investment a family will
64 make in their lifetime, with the homestead held sacred in popular culture as the heart and
65 center of the family unit; and

66
67 **WHEREAS**, permanent residents within established residential neighborhoods
68 deserve the right to tranquility and peaceful enjoyment of their home without intrusion by an
69 excessive number of transient Occupants and

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71 **WHEREAS**, the City of Dunnellon has experienced an increase in the repurposing of
72 existing residential homes for the primary purpose of serving as Vacation Rentals; and

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74 **WHEREAS**, Policy 3.2 of the City's Comprehensive Plan requires the City to
75 establish standards for protection of residential areas from inconsistent uses which threaten
76 the residential quality or stability of neighborhoods; and

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78 **WHEREAS**, the City of Dunnellon seeks to balance respect for private property rights
79 and incompatibility concerns between the investors in Vacation Rentals and the familial
80 investment in permanent residences in established residential neighborhoods through the use
81 of reasonable rules and regulations; and

82

83 **WHEREAS**, the City of Dunnellon desires Vacation Rentals that are safe, conform to the
84 character of the community, provide positive impacts for tourism, do not detract from property
85 values and achieve greater neighborhood compatibility; and

86
87 **WHEREAS**, the City’s enactment of regulations applicable to Vacation Rentals is
88 necessary to preserve the integrity of residential areas and neighborhoods and corresponding
89 property values, while also protecting the health, safety, and welfare of residents, property owners,
90 investors, transient Occupants of the City; and

91
92 **WHEREAS**, a maximum occupancy based on the number of Bedrooms is a fair and
93 proportional manner to set maximum occupancy for each dwelling unit, with an ultimate
94 maximum of sixteen (16) persons within any Vacation Rental, even if the number of
95 Bedrooms would support more than sixteen (16) persons, because any occupancy of greater
96 than sixteen (16) persons falls within a commercial classification of hotel or dormitory for the
97 purposes of the National Fire Protection Association (NFPA) 101 Life Safety Code; and

98
99 **WHEREAS**, the City’s Vacation Rental regulations are intended to supplement, not
100 replace, any existing federal, state, and/or local law or regulation, or any existing controls
101 (including, but not limited to deed restrictions and/or covenants) within established residential
102 units served by homeowner or condominium associations; and

103
104 **WHEREAS**, the City’s vacation regulations contained herein neither prohibit Vacation
105 Rentals nor restrict the duration or frequency of Vacation Rentals; rather they are intended to
106 address life safety and compatibility concerns and the secondary effects of Vacation Rentals
107 located within the City and specifically within residential areas and neighborhoods; and

108
109 **WHEREAS**, these regulations are deemed necessary to preserve property values and
110 to protect the health, safety, and general welfare of permanent residents, property owners,
111 investors, transient Occupants, and visitors alike; and

112
113 **WHEREAS**, the City’s Planning Commission has determined that this Ordinance is
114 consistent with the City’s Comprehensive Plan and provided its recommendation to City Council;
115 and

116
117 **WHEREAS**, the City Council of the City of Dunnellon determines that adoption of this
118 Ordinance benefits the public health, safety and welfare of the residents and citizens of the City as
119 well as visitors to the City of Dunnellon.

120
121 **LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of
122 Dunnellon Code of Ordinances, ~~striketrough~~ constitutes deletions from the original, and asterisks
123 (***) indicate an omission from the existing text which is intended to remain unchanged.

124
125 **NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
126 **OF DUNNELLON, FLORIDA AS FOLLOWS:**

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128 **SECTION 1:** The “whereas” clauses cited herein are the legislative findings of the City
129 Council.

130
131 **SECTION 2:** ‘Chapter 18, Article VIII – Vacation Rentals’ of the City’s Code of Ordinances is
132 hereby created as follows:

133
134 **CHAPTER 18 – BUSINESSES.**

135
136 ***

137
138 **ARTICLE VIII. – VACATION RENTALS**

139
140 **Sec. 18-240. Construction of Article.**

141 This Article shall be liberally construed to accomplish its purpose of regulating Vacation
142 Rentals, facilitating and enabling fair and healthy economic competition between forms of
143 public lodging accommodations, protecting the residential character of the City of Dunnellon’s
144 neighborhoods, the health, safety, and general welfare of its residents and visitors, and the
145 quiet enjoyment by City's residents of their residential property.

146
147 **Section 18-241. Definitions.**

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149 The following words, terms, and phrases, when used in this Ordinance, shall have the meanings
150 set forth herein:

151
152 **Bedroom.** The term “Bedroom” means any room in a Vacation Rental which has a minimum of
153 70 square feet, a bed or other place for sleeping and a separate closet that is an integral part of the
154 permanent construction within the Bedroom or an en-suite bathroom and is located along an
155 exterior wall with an emergency means of escape and rescue opening to the outside, but shall not
156 include living rooms, kitchens, bathrooms, shower rooms, water closet compartments, laundries,
157 pantries, foyers, connecting corridors, closets and storage spaces. A Bedroom shall not constitute
158 the only means of access to other Bedrooms or habitable spaces and shall not serve as the only
159 means of egress from other habitable spaces. If a room has been added, altered, or converted
160 without any required building permit having been granted, such room shall not be deemed a
161 Bedroom.

162
163 **Occupant.** The term “Occupant” means any person who occupies a Vacation Rental
164 overnight.

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166 **Owner.** The term "Owner" shall mean the person or entity holding legal title to the Vacation Rental
167 property, as reflected in the Marion County Tax Collector's records.

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Owner-Occupied. The term “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.

Responsible Party. The term "Responsible party" means the Owner, or any person eighteen (18) years of age or older designated by the Owner, tasked with responding to requests for complaints, and other problems relating to or emanating from the Vacation Rental. There shall only be one designated Responsible Party for each Vacation Rental. An Owner may retain a private property management company to serve as the designated Responsible Party.

Vacation Rental. A “Vacation Rental” is a dwelling unit that is also a transient public lodging establishment, but is not a time share project. A transient public lodging establishment, as defined by F.S. § 509.013(4)(a), as amended, is any unit which is rented out to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out the public as a place regularly rented to guests for periods less than thirty (30) days or one (1) calendar month, whichever is less.

Sec. 18-242 Vacation Rental General Regulations.

(a) Applicability. The regulations set forth in this article shall apply to any building or structure utilized as a Vacation Rental within any City zoning district.

(b) Registration and inspection.

(1) Registration required. It shall be unlawful for any person or entity to operate a Vacation Rental within the corporate limits of the City without first registering the Vacation Rental with the community development department in accordance with the requirements of this article. All existing Vacation Rentals shall be required to be registered by **January 1, 2023.**

(2) Initial registration. Every Vacation Rental Owner shall first register with the City by submitting to the community development department a properly completed and notarized registration form, as prescribed by the City, together with a registration fee in an amount established by resolution of the City council. A separate registration form shall be required for each Vacation Rental. The registration form shall be accompanied by the following:

- a. A copy of the business tax receipt issued by the City if applicable (Per Chapter 18 of the City’s Code of Ordinances an Owner is required to obtain a business tax receipt if owning two (2) or more rental properties);
- b. A copy of the Florida Department of Business and Professional Regulation license as a transient public lodging establishment/Vacation Rental;

- 212 c. A copy of the Vacation Rental's current and active certificate of registration with the
213 Florida Department of Revenue for the purpose of collecting and remitting sales taxes,
214 transient rental taxes and any other taxes required by law to be remitted, as applicable,
215 or proof that payment is arranged through a third party such as an on-line platform;
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- 217 d. Proof of the establishment of an account with the Marion County Tax Collector for the
218 payment of applicable taxes or that payment is arranged through a third party such as
219 an on-line platform;
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- 221 e. Copies of the postings required by subsection (c)(6) below;
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- 223 f. A copy of a sample lease agreement;
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- 225 g. Exterior site sketch. An exterior site sketch of the Vacation Rental property showing
226 and identifying all structures, pools, spas, fencing, docks, and uses, including areas
227 provided for off-street parking. For purposes of the sketch, parking spaces shall be
228 shown so as to enable a fixed count of the number of parking spaces provided per
229 subsection (c)(4) below. At the option of the Vacation Rental Owner, such sketch may
230 be hand drawn, and need not be professionally prepared;
231
- 232 h. Interior building sketch by floor. A building sketch by floor shall be provided, showing
233 a floor layout identifying all Bedrooms, other rooms, exits, hallways, stairways, and
234 location of fire extinguishers, smoke, and carbon monoxide detectors. At the option of
235 the Vacation Rental Owner, such sketch may be hand drawn, and need not be
236 professionally prepared; and
237
- 238 g. A completed Vacation Rental Responsible Party designation, in the format prescribed
239 by the City, which includes the information required by subsection (c)(5) below.
240
- 241 (3) Registration renewal. After a Vacation Rental is initially registered, the registration shall
242 be renewed by October 1st of each year through the execution of a renewal affidavit, in the
243 format prescribed by the City, and the payment of the renewal fee established by resolution
244 of the City council.
245
- 246 (4) Registration updates. Any changes to the information or submittals included with the initial
247 registration must be reported to the City within thirty (30) days of the occurrence of such
248 changes. Such changes include, but are not limited to:
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- 250 a. An increase in the number of Bedrooms of the Vacation Rental.
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- 252 b. An increase in the maximum occupancy of the Vacation Rental.
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- 254 c. An increase or decrease in the number of parking spaces, or a change in the location of
255 parking spaces of the Vacation Rental.
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257 d. A change in ownership of the Vacation Rental.

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259 (5) Incomplete registration/renewal. If the registration form or renewal form submitted
260 pursuant to this section is incomplete, the registrant shall be informed of such deficiency
261 and shall have ten (10) days to correct the deficiency.

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263 (6) Outstanding code violations. The City shall not process any Vacation Rental registration
264 or renewal if the property has unresolved code violations or code enforcement liens.

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266 (7) Inspection. Inspection by the City to verify compliance with the requirements of the article
267 may be required subsequent to initial registration with the City and annually after each
268 renewal. The Owner shall allow the City to inspect the Vacation Rental within twenty
269 (20) days after the City notifies the Owner or Responsible Party that the City is ready to
270 conduct an inspection. Non-compliance with the requirements of this article discovered
271 during any inspection shall be treated as a violation of the City Code and be processed in
272 accordance with Section 18-243 below. Additionally, failure to allow the City to inspect
273 the Vacation Rental within the time period specified herein shall constitute a separate
274 violation of the City Code and be processed in accordance with Section 18-243 below.

275
276 (8) Evidence of Vacation Rental operation. Advertising, listing, or posting a property on the
277 internet, utilizing any mass communication medium or in any publication as being
278 available for use as a Vacation Rental creates a rebuttable presumption that the Owner or
279 operator is utilizing the property as a Vacation Rental. Nothing set forth herein precludes
280 the City from presenting other forms of evidence of Vacation Rental operation.

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282 (9) False information. It shall be unlawful for any person to give any false or misleading
283 information in connection with the requirements and obligations set forth in this article.

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285 (10) Waiver/estoppel. A Vacation Rental registration shall not be construed to establish
286 any vested rights or entitle the registered Vacation Rental to any rights under the
287 theory of estoppel. A Vacation Rental registration shall not be construed as a waiver
288 of any other requirements contained within the City's code or Comprehensive Plan
289 and is not an approval of any other code requirement outside this Article. The
290 registration of a Vacation Rental is not an approval of a use or activity that would
291 otherwise be illegal under Florida law, the Florida Building Code, the Florida Fire
292 Code or Life Safety Code, or in violation of the City Code or Comprehensive Plan.

293
294 (c) Vacation rental standards. No person or entity shall operate a Vacation Rental within the City
295 unless such Vacation Rental complies with the following standards:

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297 (1) Minimum life/safety requirements:

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299 a. Swimming pool, spa and hot tub safety. A swimming pool, spa or hot tub shall comply
300 with the current standards of the Residential Swimming Pool Safety Act, as set forth in
301 F.S. ch. 515.

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- b. Smoke and carbon monoxide (CO) detection and notification system. If an interconnected and hard-wired smoke and carbon monoxide (CO) detection and notification system is not in place within the Vacation Rental, then one (1) such system shall be required to be installed and maintained on a continuing basis consistent with the requirements of Section R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code-Residential.
- c. Fire extinguisher. A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each floor/level of the dwelling unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.
- d. Battery powered emergency lighting of primary exit. Battery powered emergency lighting which provides illumination automatically in the event of any interruption of normal lighting shall be provided for a period of not less than one (1) hour to illuminate the primary exit.
- e. Emergency egress and maintenance. Halls, entrances and stairways within a Vacation Rental shall be clean and ventilated. Hall and stair runners shall be kept in good condition. Rails shall be installed on all stairways and around all porches and steps.
- f. Landline telephone. Each Vacation Rental shall have at least one landline telephone with the ability to call 911.

(2) Maximum occupancy. The maximum occupancy restrictions set forth below shall not apply when the property is Owner-Occupied by the Vacation Rental Owner. Maximum occupancy of a Vacation Rental shall not exceed the lesser of:

- a. Two (2) persons per Bedroom plus two (2) additional persons; or
- b. Sixteen (16) persons.

(3) Lease requirements. There shall be a written or online lease, rental, tenant, or other recorded agreement memorializing each Vacation Rental tenancy between the Owner or Responsible Party and the Occupant(s). The City reserves the right to request and receive a copy of any Vacation Rental lease or rental agreement from the Owner or Responsible Party at any time. The agreement shall, at a minimum, contain the following information:

- a. The maximum number of Occupants for the unit as specified in subsection (2) above;
- b. The number of parking spaces associated with the Vacation Rental unit, if applicable, and the location of such spaces;

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- 347 c. The names and ages of all persons who will be occupying the unit as well as the names
- 348 and ages of all occupants' guests;
- 349
- 350 e. The dates of such occupancy;
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- 352 f. A statement that all Occupants must evacuate from the Vacation Rental following any
- 353 evacuation order issued by local, state, or federal authorities;
- 354
- 355 g. A statement that the subletting of the unit is prohibited;
- 356
- 357 h. A statement that the unit shall not be used for any commercial or non-residential use,
- 358 including use of the property as a party, event, or entertainment venue or social hall;
- 359 and
- 360
- 361 i. A copy of a document to be supplied by the City which includes excerpts from City
- 362 of Dunnellon ordinance provisions of general application relevant to Vacation Rentals
- 363 to include solid waste pick-up regulations, regulations related to Rainbow River rules
- 364 (including State Laws regarding alligators and wildlife), and the City of Dunnellon's
- 365 Noise Ordinance as a lease addendum. The City will make available to Vacation
- 366 Rental Owners and Responsible Party a copy of such document in digital format
- 367 upon request, and the City will post such document on its website.

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369 (4) Parking. All Occupants of and visitors to a Vacation Rental must abide by all applicable

370 parking regulations and park only in designated and/or approved areas.

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372 a. If the Vacation Rental is a single-family home or duplex, Occupants and visitors may

373 only park vehicles on driveways, in garages or carports, and/or on approved, stabilized

374 parking areas (consisting of space that is covered and graded by semi-permeable or

375 impervious materials such as asphalt, concrete, pavers, gravel or similar material) on

376 the Vacation Rental property.

377

378 b. The number of automobiles that may be parked at a Vacation Rental outside of a carport

379 attached to the primary residential structure or garage shall be limited to one (1)

380 automobile per Bedroom, plus one (1), not to exceed a total of five (5) automobiles.

381

382 (5) Vacation Rental Responsible Party. Each Vacation Rental must designate a Responsible

383 Party to respond to routine inspections as well as non-routine complaints and any other

384 problems related to the operation of the Vacation Rental. The property Owner may serve

385 in this capacity or shall otherwise designate another person eighteen (18) years or older to

386 perform the following duties:

387

388 a. Be available by telephone at the listed phone number twenty-four (24) hours per day,

389 seven (7) days per week and be capable of handling any issues relating to the operation

390 of the Vacation Rental;

- 391
- 392 b. If required, be willing and able to come to the Vacation Rental within two (2) hours
- 393 following notification from an Occupant, the Owner, or the City to address any issues
- 394 relating to the operation of the Vacation Rental;
- 395
- 396 c. Maintain a record of all lease or rental agreements for the Vacation Rental;
- 397
- 398 d. Receive service of any legal notice on behalf of the Owners for violation of the
- 399 requirements set forth in this article;
- 400
- 401 e. Maintain for three years a log of all bookings of the Vacation Rental. The log
- 402 shall only be required to contain the booking date of each rental, the number of
- 403 Occupants on each booking date, and the license tag number(s) for all vehicles
- 404 that the Occupant(s) will be parking at the unit. The log shall be available for
- 405 inspection by the city to determine compliance with this article. Nothing herein
- 406 shall be construed to require the provision of any other information in the log
- 407 including any personal information of the Occupants;
- 408
- 409 f. Otherwise monitor the Vacation Rental to ensure compliance with the requirements set
- 410 forth in this article; and
- 411
- 412 (6) Minimum Vacation Rental information required postings. The Vacation Rental shall be
- 413 posted with the following information, either on the back of or next to the main entrance
- 414 door or on the refrigerator:
- 415
- 416 a. The name, address, and telephone number of the Vacation Rental Responsible Party;
- 417
- 418 b. The maximum occupancy of the unit;
- 419
- 420 c. A notification that all garbage or trash must be placed in a garbage or trash can or other
- 421 approved garbage receptacle and that all recyclables must be placed in approved
- 422 recyclable containers;
- 423
- 424 d. The days and time of trash pickup;
- 425
- 426 e. The location of the nearest hospital;
- 427
- 428 f. The location of designated parking spaces/areas, if applicable and the maximum
- 429 number of vehicles that can be parked onsite; and
- 430
- 431 g. For units located within multi-family buildings more than two (2) stories in height, a
- 432 building evacuation map (at least eight and one-half (8½) inches by eleven (11) inches)
- 433 shall be posted on or next to the interior portion of the front door.
- 434

435 h. A copy of the latest version of the document referenced within subsection (c)(3)(i)
436 herein (the document supplied by the City which includes excerpts from City of
437 Dunnellon ordinance provisions of general application relevant to Vacation Rentals
438 including solid waste pick-up regulations, regulations related to Rainbow River rules
439 (including State Laws regarding alligators and wildlife), and the City of Dunnellon's
440 Noise Ordinance.

441
442 (7) Additional use restrictions.

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444 a. Subletting of Vacation Rentals is prohibited.

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446 b. Vacation rental units shall not be used or advertised for any commercial or non-
447 residential use, including use of the property as a party, event, or entertainment venue
448 or social hall.

449
450 c. Vacation rentals must comply with all regulations, standards, and requirements set forth
451 in the City Code of Ordinances.

452
453 (d) Advertising. A Vacation Rental Owner shall include the City of Dunnellon Vacation Rental
454 registration number of the Vacation Rental unit in all advertising of the availability of
455 accommodations for the Vacation Rental unit. Advertising includes, but is not limited to print,
456 radio, television, video, online, social media, and sharing economy platform.

457
458 (e) Sexual offenders & human trafficking.

459
460 (1) Sexual offenders must register. In addition to general compliance with all federal,
461 state, county, and local laws, it is the affirmative duty and responsibility of the
462 Vacation Rental Owner and Responsible Party, individually and collectively, to
463 ensure that sexual offenders, as defined by state law, register with the Marion
464 County Sheriff's Office ("MCSO"), in accordance with state law, as may be
465 amended from time to time.

466
467 (2) Notification of sexual offender status. Prior to the time of check-in, the Vacation
468 Rental Owner or Responsible Party shall inquire if any Vacation Rental
469 Occupant is a sexual offender, as defined by state law, as well as conduct a
470 criminal background on all prospective occupants and guests over the age of
471 eighteen (18) years in order to identify sexual offender status. If any Vacation
472 Rental Occupant is a sexual offender as defined by state law, the Vacation
473 Rental Owner, Vacation Rental Responsible Party, or both shall notify MCSO
474 and the City of Dunnellon Police Department within twenty-four (24) hours
475 of being informed.

476
477 (3) Proximity prohibitions.

478
479 a. It is unlawful to rent any Vacation Rental to any person prohibited from

480 establishing such temporary residence if the Vacation Rental is located within
481 two thousand five hundred (2,500) feet of any school day care center, park,
482 playground, or other place where children regularly congregate.

483
484 b. In addition to satisfying the requirements set forth in Section 18-
485 242(e)(1)&(2) pertaining to registration, inquiries, and background checks,
486 prior to renting any Vacation Rental that is located within two thousand five
487 hundred (2,500) feet of any school, day care center, park playground, or other
488 place where children regularly congregate, the Vacation Rental Owner and
489 Responsible Party shall obtain written confirmation from the Florida
490 Department of Law Enforcement (FDLE), MCSO, or other law enforcement
491 agency that all prospective occupants and guests of a prospective renter are
492 not sexual offender(s). A copy of the referenced written confirmation shall
493 be retained by the Vacation Rental Owner and Responsible Party for not less
494 than three (3) years after the termination of the sexual offender's residence
495 on the property.

496
497 (4) *Human trafficking.* It is unlawful for any Vacation Rental Owner or Responsible
498 Party to allow human trafficking activity within the Vacation Rental if such
499 Owner or Responsible Party knew or should have known that the Vacation
500 Rental was to be used for human trafficking purposes.

501
502 (5) *Non-compliance.* In addition to other remedies identified in Section 18-243 below, a
503 Vacation Rental Owner's failure to comply with the provisions of this subsection (e)
504 shall subject the Owner to revocation of the Vacation Rental permit.

505
506 **Sec. 18-243 Violations/Remedies and Enforcement.**

507
508 (1) *Violations.* Non-compliance with any provision of this article shall constitute a violation
509 of the City Code of Ordinances and each day the violation exists shall constitute a separate
510 and distinct violation.

511
512 (2) *Remedies and enforcement.* Any violations of this Article may be prosecuted and shall be
513 punishable as provided for in Section 1-12 of the Code of Ordinances or through any other
514 manner authorized by law, including, but not limited to, injunctive relief.

515
516 **Sec. 18-244 Vesting.**

517
518 (a) Existing, legally-established Vacation Rentals in operation prior to the effective date of this
519 ordinance may become vested in the ways described below, provided they are otherwise in
520 compliance with all other requirements contained herein. To qualify for vesting, an existing
521 Vacation Rental shall have until **January 1, 2023** to make full and complete application for a
522 Vacation Rental registration certificate and until **April 30, 2023** to receive a Vacation Rental
523 registration certificate in compliance with this section. All vesting determinations shall be
524 made administratively by the city clerk, community development director, or designee.

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(1) Rental agreement vesting. It is recognized that there may exist rental or lease agreement(s) for Vacation Rentals upon the effective date of this ordinance which may not be in compliance with the terms of this article. Rental agreements entered into prior to the effective date of this ordinance shall be considered vested. All such fully executed rental agreements shall be attached to the initial application for Vacation Rental registration certificate. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the Vacation Rental registration certificate application process and providing copies of such rental or lease agreement(s).

(2) Temporary vesting of certain safety requirements. Some existing Vacation Rentals may not meet the minimum life/safety requirements as required in Sec. 18-242(c)(1). Correcting these measures may take some time to secure a licensed contractor, obtain the necessary permits, and complete the work. All Vacation Rentals shall have six (6) months from the effective date of [the ordinance from which this article derives], or **April 30, 2023**, whichever is later, to comply with the physical changes required. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the Vacation Rental registration certificate application process.

(b) A vested use shall not transfer to a subsequent Owner. A vested use is not transferrable to another Vacation Rental. Subsequent Owners must make application and comply with the requirements of this section.

(c) If a vested use ceases for a period of six (6) months, then the vesting shall be considered to have lapsed and the Vacation Rental will be subject to all Vacation Rental requirements as if a new application.

Sec. 18-245 Appeal.

Appeal. Any person adversely affected by an administrative interpretation of the city clerk, community development manager, or designee may appeal that interpretation to the City Council by filing a written notice of appeal of said interpretation within ten (10) calendar days of said interpretation. The City Council shall hear and decide said appeal at its next available regular meeting date.

SECTION 3. CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

570

571 **SECTION 5. CODIFICATION.** The provisions of this Ordinance shall be codified as and
572 become and be made a part of the City of Dunnellon Code of Ordinances. The sections of this
573 Ordinance may be renumbered or re-lettered to accomplish such intention and the word
574 “Ordinance,” or similar words, may be changed to “Section,” “Article,” or other appropriate word.
575 The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

576

577 **SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective on _____,
578 **2022.**

579

580 **Upon motion duly made and carried,** the foregoing ordinance was adopted on the first reading
581 on the ____ day of _____ 2022.

582

583 **Upon motion duly made and carried,** the foregoing ordinance was adopted on the second and
584 final reading on the ____ day of _____ 2022.

585

586 Ordinance Posted on the City’s website on _____, 2022. Public hearing advertised on the
587 City’s website on _____ and advertised in the Riverland News on _____.

588

589

590

591

William P. White, Mayor

592

Attest:

593

594

Amanda L. Odom, CMC

596

City Clerk

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598 Approved as to Form:

599

600

Andrew J. Hand, City Attorney

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603

604

CERTIFICATE OF POSTING

605

606 **I HEREBY CERTIFY** that copies of the foregoing Ordinance were posted at City Hall, the
607 Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, and on the
608 City’s Official Website this ____ day of _____ 2022.

609

610

Amanda L. Odom, CMC

612

City Clerk