

ORDINANCE NO. 18-10

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, REGARDING VACATION RENTALS; CREATING A NEW ARTICLE III, CHAPTER 7 OF THE CITY CODE REGULATING VACATION RENTALS; PROVIDING FOR DEFINITIONS, PENALTIES, ENFORCEMENT, RESPONSIBILITIES OF DEPARTMENTS, APPEALS, NOTICE, IMMUNITY FROM PROSECUTION, CONSTRUCTION OF ARTICLE; PROVIDING FOR LICENSE REQUIREMENTS AND PROVISIONS INCLUDING BUT NOT LIMITED TO PROCEDURES, APPLICATIONS, MODIFICATIONS, DURATION, RENEWALS, AND NONTRANSFERABILITY; PROVIDING FOR VESTED RIGHTS/WAIVER/ESTOPPEL; PROVIDING FOR DUTIES OF VACATION RENTAL OWNER; PROVIDING FOR INSPECTIONS; PROVIDING FOR STANDARDS AND REQUIREMENTS FOR VACATION RENTALS INCLUDING BUT NOT LIMITED TO MINIMUM SAFETY AND OPERATIONAL REQUIREMENTS, OCCUPANCY, PARKING, NOISE AND LIGHT STANDARDS VIOLATIONS OF THE LAW, ADVERTISING, STATE AND COUNTY REGISTRATION, PROHIBITION OF OCCUPANCY, VIOLATIONS AND PENALTIES; PROVIDING FOR A SUNSET; PROVIDING FOR THE CONTINUED VALIDITY OF SECTION 7-30, CITY CODE; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Section 509.013, Florida Statutes, provides a distinction between "transient public lodging establishments," which are rented, or advertised or held out for rental to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less; and "nontransient public lodging establishments," which are rented, or advertised or held out for rental to guests for periods of at least 30 days or 1 calendar month, whichever is less; and

WHEREAS, Section 509.242(1) (c), Florida Statutes, further provides for a subset of transient public lodging establishments, called "Vacation Rental" which is any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family or four-family house or dwelling unit that is also a transient public lodging establishment, but that is not a timeshare project; and

WHEREAS, Section 509.032(7)(b), Florida Statutes provides that, "A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011"; and

WHEREAS, the Florida Attorney General's Office has recognized that "local governments may regulate vacation rentals, provided those regulations do not prohibit vacation rentals or restrict the duration or frequency of vacation rentals," AGO 2014-09; and

WHEREAS, on March 4, 2008, the City adopted Ordinance No. 08-03 creating City Code Section 7-30 prohibiting “short-term rentals, i.e., rentals for a term of less than seven months,” which provision encompasses vacation rentals and is grandfathered in and constitutes a valid prohibition of vacation rentals under Section 509.032(7)(b), Florida Statutes; and

WHEREAS, the City wishes to explicitly preserve Ordinance No. 08-03 and Section 7-30 of the City Code while allowing a subset of vacation rentals within the City which are owner-occupied and which meet the requirements under this Ordinance; and

WHEREAS, the City finds that the regulations and requirements adopted by this Ordinance do not prohibit vacation rentals or restrict their duration or frequency; and

WHEREAS, the City finds that the regulations and requirements adopted by this Ordinance are in the interests of the public health, safety, and welfare, in light of the following concerns:

(1) Residents residing within their residential dwellings are inherently familiar with the local surroundings, local weather disturbances, local hurricane evacuation plans, and means of egress from their residential dwellings, thereby minimizing potential risks to themselves and their families; and

(2) Visitors are typically not familiar with local surroundings, local weather disturbances, local hurricane evacuation plans, and means of egress from the Vacation Rentals in which they are staying, thereby increasing potential risks to themselves and their families, and putting an additional burden on, and potentially putting at risk, emergency personnel in the event of an emergency situation; and

(3) Certain illegal Vacation Rentals are presently located within the Residential Zoning districts of the City of Belle Isle; and

(4) Vacation Rentals, left unregulated, can and do create negative impacts within residential neighborhoods due to excessive noise, parking and traffic problems, excessive use and impact on public services and public works, and extreme size and greater occupancy; and

(5) Vacation Rentals situated within residential neighborhoods can disturb the quiet nature and atmosphere of the residential neighborhoods, and the quiet enjoyment of its residents; and

(6) Vacation Rentals located within established residential neighborhoods can and do, when unregulated, create negative compatibility impacts relating to extreme noise levels, late night activities, on-street parking issues and traffic congestion; and

(7) A residential dwelling is typically the single largest investment a family will make with the residents of the residential dwelling desiring the tranquility and peaceful enjoyment of their neighborhood without excessive noise and increased parking issues and traffic congestion caused by transient occupants of Vacation Rentals; and

(8) The City of Belle Isle has suffered an increase in the illegal establishment of Vacation Rentals, with no notice to the City; and

(9) The City of Belle Isle has limited parking available and parking upon rights of way in residential neighborhoods is generally allowed for use of the residents. Therefore, it is vital for the City to keep on-street parking available for such use, and not allow such use to be reduced by off-site parking at Vacation Rentals.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA:

SECTION 1: RECITALS. The foregoing recitals are ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2: CITY CODE AMENDMENT. There is hereby created a new Article III, Chapter 7 of the City Code, as follows:

ARTICLE III. – VACATION RENTALS.

DIVISION 1. – IN GENERAL.

Sec. 7-50. – Definitions.

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

"Bedroom" means any room in a Vacation Rental that contains 70 square feet or more, and which has a bed or other place for sleeping and a closet, but shall not include a bathroom, a kitchen, and one main living area. No room shall be considered to be a bedroom unless it was so designated on the plans submitted to the City for the construction of the building.

"Continuing Violation" means a violation of this Article that is continuing in nature and for which there may be an opportunity to cure, such as, but not limited to, operation of a Vacation Rental without a currently valid Vacation Rental License, failing to acquire a modified Vacation Rental License when required, violations of minimum safety and operational requirements under this Article, and violations of the Florida Building Code, Florida Fire Code or Life Safety Code.

"Occupant" means any person who occupies, either during the day or overnight, a Vacation Rental.

"Owner-Occupied" means an activity whereby a homeowner hosts visitors in their home, for periods of 30 consecutive days or less, while at least one of the primary residents lives on-site throughout the visitor's stay. The guest enjoys the non-exclusive shared use of the unit with at least one of the persons who is domiciled at the location.

“Primary Residence” means where the homeowner usually lives and can provide evidence such as a driver’s license, income tax statement or property tax statement with a homeowner’s exemption.

"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 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

"Transitory Violation" means a violation of this Article that is transitory, transient, or temporary in nature, such as, but not limited to, a violation of quiet hours or pool hours, maximum occupancy violations, parking in the right of way, failure to make Vacation Rental available for inspection as required herein, failure of Rental Agent to comply with the duties of a Vacation Rental Agent as set forth in this Article, and failure to have required postings at the Vacation Rental.

"Vacation Rental" is any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family or four-family house or dwelling unit that is also a transient public lodging establishment, but that is not a timeshare project.

"Vacation Rental License" is a license granted pursuant this Article permitting the operation of a Vacation Rental.

“Vacation Rental Occupant” or “Occupant” is any individual who occupies a Vacation Rental for any length of time as the result of such Vacation Rental being rented to such individual or to the individual’s family member(s), friend(s), or companion(s).

"Vacation Rental Owner" is the owner of the Primary Residence and shall have the same meaning as property owner..

Sec. 7-51. – Penalties and Enforcement.

(a) *Transitory Violations.* For Transitory Violations as defined herein, the Vacation Rental Owner, the Vacation Rental Agent, and/or the offending Vacation Rental Occupant(s), as applicable and without limitation, may each be deemed to be a "violator" as that term is used in Article III of Chapter 7 of the Code of Ordinances of the City of Belle Isle, and may be punished as follows. Each individual Transitory Violation shall constitute a separate and distinct violation, and if the Transitory Violation continues for more than one day, each day that the violation continues will be considered a separate and distinct violation. Any Transitory Violation may be punished by citation, as provided in the Belle Isle City Code and/or Chapter 162 of the Florida Statutes , including but not limited to the requirements of a reasonable warning prior to issuance of a citation; provided, however, such violation shall be subject to a fine in the amount of \$250.00, for the first offense, \$500.00 for the second and subsequent offenses, plus a suspension of the Vacation Rental License as provided hereinafter, for the third offense.

(b) Continuing Violations. For Continuing Violations as defined herein, the Vacation Rental Owner, the Vacation Rental Agent, and/or the offending Vacation Rental Occupant(s), as applicable and without limitation, may each be deemed to be a "violation" as that term is used in Article III of Chapter 7 of the Code of Ordinances of the City of Belle Isle, and may be punished as follows. Each day a violation exists shall constitute a separate and distinct violation. Continuing Violations may be punished by citation, as provided in the Belle Isle City Code and/or Chapter 162 of the Florida Statutes, including but not limited to the requirements of a reasonable warning prior to issuance of a citation; or through the Code Enforcement Magistrate procedure as provided under the Belle Isle City Code; provided, however, such violations shall be subject to a fine in the amount of \$250.00, for the first offense, \$500.00 for the second and subsequent offenses, plus a suspension of the Vacation Rental License as provided hereinafter, for the third offense.

(c) Other enforcement methods and penalties. Notwithstanding anything otherwise provided herein, violations of this Article shall also be subject to all the enforcement methods and penalties that may be imposed or available for the violation of ordinances of the city as provided in Article III of Chapter 7 of the Code of Ordinances of the City of Belle Isle, any other applicable provision of the Code of Ordinances, or as provided by state statute. Nothing contained herein shall prevent the City of Belle Isle from seeking all other available remedies which may include, but not be limited to, injunctive relief, abatement of public nuisance, liens, fines, imprisonment, and other penalties as provided by law. A violation of this code of ordinances shall also mean and refer to any specified criminal offense as set forth in chapters 775 through 896, Florida Statutes.

(d) No Occupant shall occupy a Vacation Rental, and no advertisement for the Vacation Rental shall occur during any period of suspension of a Vacation Rental's Vacation Rental License.

Sec. 7-52. – Responsibilities of Departments.

The ultimate responsibility for the administration of this Article is vested in the City Council. The City Manager or his or her authorized designee is responsible for granting, denying, revoking, renewing, suspending and canceling Vacation Rental Licenses for proposed and existing Vacation Rentals as set forth in this Article. Additionally, the City Manager or his or her authorized designee is responsible for inspecting any proposed or existing Vacation Rental in order to ascertain compliance with this Article, and all applicable building codes, fire and life safety codes, statutes, ordinances and regulations.

Sec. 7-53. – Appeals

Any decision of the City Manager or his or her authorized designee relating to the grant, denial, renewal, modification, or suspension of a Vacation Rental License under this Article shall be rendered in writing, and such written decision may be appealed to the City Council if a notice by the applicant is filed with the City Clerk within ten (10) days after the written decision is issued. The City Clerk shall place the matter on the agenda of an upcoming meeting of the City Council, at which the application and related materials will be reviewed, and a determination to uphold, overturn, or modify the written decision may be made. The review and decision of the

City Council is not a de novo review and should be based on the application and matters submitted, considered, and pursuant to which the challenged decision was made. The decision of the City Council shall be final and shall be rendered in writing in appealable form. Such final decision may be reviewed as permitted under Florida law.

Sec. 7-54. – Notice.

Any notice required under this Article shall be accomplished by sending a written notification by U.S. Mail, postage paid, to the mailing address of the property owner set forth on documents filed with the City of Belle Isle under this Article, which shall be considered for all purposes as the correct address for service, or by personal service or delivery to the property owner.

Sec. 7-55. – Immunity from prosecution.

The City of Belle Isle, the City Council, the Mayor, the City Commissioners, and any of the City's departments or agents, and any law enforcement officer shall be immune from prosecution, civil or criminal, for reasonable, good-faith trespass upon a Vacation Rental while acting within the scope of this Article.

Sec. 7-56. – Construction of Article.

(a) This Article shall be liberally construed to accomplish its purpose of regulating Vacation Rentals, protecting the residential character of Belle Isle, the health, safety, and general welfare of its residents and visitors, and the quiet enjoyment by Belle Isle's residents of their residential property.

(b) Neither this Article nor any provision contained herein shall be construed to override, repeal, waive, eliminate, suspend, or in any way invalidate or make ineffective the prohibition on short-term rentals provided for in Section 7-30 of the City Code, and such provision remains in full force and effect and shall continue to apply without interruption to the extent that a vacation rental or short-term rental is not allowed under this Article.

DIVISION II. – VACATION RENTAL LICENSE.

Sec. 7-57. - License required.

After the effective date of the passage of this Ordinance, an active Vacation Rental License shall be required to operate a Vacation Rental within the City of Belle Isle. After the effective date, only Vacation Rentals holding an active Vacation Rental License issued by the City of Belle Isle may operate within the City. The Vacation Rental License shall not be issued by the City of Belle Isle under this Article unless the building in which the Vacation Rental is or will be located is in full compliance with this Article. No person operating a Vacation Rental prior to the adoption of this Ordinance has any pre-existing rights under this Article or otherwise to continue operating such Vacation Rental without obtaining a Vacation Rental License under this Article.

Sec. 7-58. - Permitted by HOA.

Prior to the application for a Vacation Rental License: If a residential property is within a homeowners association (HOA), the homeowner should check whether there are further limitations on the use of the property through their particular HOA's private Codes, Covenants and Restrictions (CC&R's). The resident shall notify the HOA in writing of the property owner's intent to apply for a Vacation Rental License prior to applying for a license. The written notification to the HOA shall be included with the City application.

Sec. 7-59. Modification of Vacation Rental License.

An application for modification of a Vacation Rental License shall be required in the event that any of the following changes to the Vacation Rental are proposed:

- (1) An increase in the gross square footage of the Vacation Rental.
- (2) An increase in the number of bedrooms in the Vacation Rental.
- (3) An increase in the maximum occupancy of the Vacation Rental.
- (4) An increase in the number of parking spaces, or a change in the location of parking spaces for the Vacation Rental.
- (5) An increase in the number of bathrooms in the Vacation Rental.
- (6) Any other material modifications that would increase the intensity of use of the Vacation Rental.

Sec.7-60. - Duration of Vacation Rental License.

A Vacation Rental License shall be valid for two (2) years after the date of issuance.

Sec. 7-61. - Renewal of Vacation Rental License.

A Vacation Rental Owner must apply for a renewal of the Vacation Rental License no later than sixty (60) days prior to the expiration date of the previous Vacation Rental License. It is the responsibility of the Vacation Rental Owner to know when the renewal period is.

Sec. 7-62. - Initial and Periodic Compliance Inspections of Vacation Rentals.

(a) Inspection of a Vacation Rental to verify compliance with this Article and the Florida Fire and Life Safety Codes, shall be required prior to issuance of an initial Vacation Rental License. If instances of noncompliance with the standards and requirements set forth in this Article are found, all such instances of noncompliance shall be corrected and the Vacation Rental shall be re-inspected prior to the issuance of an initial Vacation Rental License.

(b) Once a Vacation Rental License is issued for a Vacation Rental, such Vacation Rental shall be properly maintained in accordance with the standards and requirements set forth in this Article. The City may establish a schedule to re-inspect such Vacation Rental as to ensure compliance with the standards and requirements set forth in this Article and the Belle Isle Code of Ordinances. All violations of this Article or the Belle Isle Code of Ordinances identified in such inspection shall be corrected and re-inspected within 30 calendar days after the issuance of a notice of violation, with the exception of life safety violations, which must be corrected within three (3) working days. Failure to correct such violations within the timeframes provided shall result in the suspension of the Vacation Rental License until such time that the violations are corrected, re-inspected, and found in compliance.

(c) The City may inspect a Vacation Rental at any time upon reasonable notice to the Vacation Rental Owner. If a City inspector has made an appointment with Vacation Rental Owner for an inspection, and the City inspector is unable to complete the inspection as a result of an action or inaction of the Vacation Rental Owner, the Vacation Rental shall be charged a "re-inspection" fee in an amount set by resolution of the City Council to cover the inspection expense incurred. The re-inspection fee shall be paid prior to scheduling the re-inspection.

(d) If, after two attempts, a City inspector is unable to complete an inspection of a Vacation Rental as a result of an action or inaction of the Vacation Rental Owner, the Vacation Rental License shall be suspended until such time that the Vacation Rental is inspected and found in compliance.

Sec. 7-63. - Vacation Rental License non-transferable, non-assignable.

Vacation Rental Licenses are non-transferable and non-assignable. If the ownership of any Vacation Rental is sold or otherwise transferred, any outstanding Vacation Rental License as to that Vacation Rental shall be null and void upon the sale or transfer.

Sec. 7-64. Vested Rights/Waiver/Estoppel

The issuance of a Vacation Rental License shall not be construed to establish any vested rights or entitle the license holder to any rights under the theory of estoppel. Issuance of a Vacation Rental License shall not be construed as a waiver of any other requirements contained within the City of Belle Isle City Code or Comprehensive Plan, and is not an approval of any other code requirement outside this Article. The receipt of a Vacation Rental License is not an approval of a use or activity that would otherwise be illegal under Florida law, the Florida Building Code, the Florida Fire Code or Life Safety Code, or in violation of the Belle Isle City Code or Comprehensive Plan.

DIVISION III. VACATION RENTAL OWNER.

Sec. 7-65. - Duties of Vacation Rental Owner.

Every Vacation Rental Owner shall:

(a) Be available by landline or mobile telephone answered by the Vacation Rental Owner at the listed phone number 24-hours a day, seven days a week to handle any problems arising from the Vacation Rental; and

(b) Be willing and able to be physically present at the Vacation Rental within thirty (30) minutes following notification from a Vacation Rental Occupant, law enforcement officer, emergency personnel, or the City of Belle Isle for issues related to the Vacation Rental, and shall actually be physically present at that location in that time frame when requested; and

DIVISION 4. STANDARDS AND REQUIREMENTS FOR VACATION RENTALS

Sec. 7-66. - Generally

The standards and requirements set forth in the Article shall apply to the rental, use, and occupancy of Vacation Rentals in the City of Belle Isle.

Sec. 7-67. - Owner-Occupied.

All Vacation Rentals in the City of Belle Isle shall be owner-occupied, as such term is defined under Section 7-50 of this Article. A Vacation Rental shall not be considered owner-occupied if not occupied by one of the primary residents for a period longer than twenty-four hours while rented to a Vacation Rental Occupant.

Sec. 7-68. - Minimum safety and operational requirements.

Vacation Rentals in the City of Belle Isle shall meet the following minimum safety and operational requirements, and the applicable standards under the Belle Isle Municipal Code and the Florida Fire Code and Life Safety Code.

(a) *Swimming pool, spa and hot tub safety.* A swimming pool, spa or hot tub offered or made available as an amenity at a Vacation Rental shall comply with the current standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes.

(b) *Bedrooms.* All bedrooms within a Vacation Rental shall meet the applicable requirements of the Florida Fire Code and Life Safety Code.

(c) Smoke and carbon monoxide (CO) detection and notification system. An interconnected, hard-wired smoke alarm and carbon monoxide (CO) alarm system shall be installed within the Vacation Rental 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.

(d) Legible Address: The address of the Vacation Rental shall be large enough to see from the street and be made of a reflective material or lighted so it can be read from the street at night.

Sec. 7-69. - Maximum occupancy based on site capacity limitations.

The maximum occupancy of a Vacation Rental shall be limited to the lesser of:

(1) Two persons per bedroom within the Vacation Rental (counting only those rooms that satisfy the definition of bedroom under this Article). There will be a maximum of two bedrooms per Vacation Rental.

(2) A total of eight occupants per Vacation Rental, inclusive of day guests.

(3) In the event there is more than one building or dwelling on one lot, the maximum occupancy shall be capped at the lesser of six occupants per lot, or two persons per bedroom, regardless of the building in which such bedroom(s) are located.

Sec. 7-70. Parking standards.

In all Vacation Rentals located in a residential zoning district, the following parking standards shall apply. There shall be one off-street parking space for each bedroom in a Vacation Rental. One such required parking space for each Vacation Rental shall be in a garage or carport. Recreational vehicles and accessory trailers shall only be permitted in driveways, or other parking areas specifically designated for such use by the City. No recreational vehicle or any other motor vehicle parked on the premises of a Vacation Rental shall be used for sleeping. Parking spaces shall not be tandem. Neither on- street parking nor parking within the right-of-way shall be permitted for use by Vacation Rentals or Occupants.

Sec. 7-71. Noise and Light

Noise and light for Vacation Rentals shall be regulated by Section 10-61 to 10-69 of the Belle Isle Municipal Code. No excessive or boisterous noise, amplified sound, or bright light extending beyond the lot or parcel line is permitted.

Sec. 7-72. Violations of other legal provisions.

No person shall allow the occupancy or use any portion of a structure as a Vacation Rental if the structure or its use is in violation of or inconsistent with any applicable zoning, comprehensive planning, building, housing, density, life safety, utility, public health, sanitary or fire code.

ordinance, plan, statute, regulation, or rule. Such a violation shall also be considered a violation of this Article.

Sec. 7-73. Vacation Rental advertising.

Advertising of a Vacation Rental shall be consistent with the information contained within the Vacation Rental's Vacation Rental License. Such advertising shall conspicuously disclose the maximum occupancy of the Vacation Rental under this Chapter.

Vacation Rental Owners should consider only advertising on the commercial booking websites that advertise Vacation Rentals, such as AirBNB, vacationRentals.com, VRBO, misterBNB, etc. When advertising, the Vacation Rental Owner must display the City of Belle Isle permit number plainly on the site.

Sec. 7-74. Licensure as transient public lodging establishment.

A Vacation Rental shall at all times maintain a current and active license as a transient public lodging establishment with the Florida Department of Business and Professional Regulation, if required.

Sec. 7-75. Florida Department of Revenue certificate; Orange County Tax Collector account.

A Vacation Rental shall at all times maintain a current and active certificate of registration with the Florida Department of Revenue for the purposes of collecting and remitting sales surtaxes, transient rental taxes, and any other taxes required by law to be remitted to the Florida Department of Revenue if required. A Vacation Rental shall at all times maintain a current and active account with the Orange County Tax Collector for the purposes of collecting and remitting tourist development taxes and any other taxes required by law to be remitted to the Orange County Tax Collector, if required.

Sec. 7-76. Prohibition of occupancy.

The Vacation Rental Owner shall have the affirmative duty to vet each Occupant of a Vacation Rental

Sec. 7-77. Violation and Penalties.

(a) A person renting a property without a valid rental permit shall be in violation of the Belle Isle Municipal Code and shall be subject to a fine of up to two hundred fifty dollars (\$250) for the first offense; five hundred dollars (\$500) for each day after the first offense that the dwelling has been rented without a permit.

(b) Revocation of Registration. A short-term rental registration issued under the provisions of this Section may be revoked by the City Manager after notice and hearing as provided for in this Section, for any of the following reasons:

(1) Fraud, misrepresentation, or false statements contained in the application;

(2) Fraud, misrepresentation, or false statements made in the course of carrying on a short-term rental as regulated by this Section;

(3) Any violation of any provision of this Section or of any provision of this code;

(4) Any violation of any provision of federal, state or local laws.

(c) Revocation Hearing. Before revoking a short-term rental registration, the City Manager shall give the responsible host notice in writing of the proposed revocation and of the grounds thereunder, and also of the time and place at which the host will be given a reasonable opportunity to show cause why the registration should not be revoked. The notice may be served personally upon the host or may be mailed to the host at the last known address or at any address shown upon the application at least 10 days prior to the date of the hearing. Upon conclusion of the hearing the City Manager may, for the grounds set forth herein, revoke the registration.

(d) Appeal from Denial or Revocation of Registration. Any host whose application has been denied or registration has been revoked shall have the right to an administrative appeal before the City Council. An appeal shall be filed in writing on a form provided by the City stating the grounds therefor within 10 days of the decision. The City Council shall hold a hearing thereon within a reasonable time and the decision shall be final.

(e) Waiting Period. Any host whose registration has been denied or revoked shall be ineligible from applying for a new registration for a 24-month period.

(g) Penalties. For violations of this Article, the penalties outlined in Section 7-51 will be imposed.

Sec. 7-78. Sunset.

(a) This ordinance shall sunset 364 days after enactment unless it is extended by an ordinance adopted by the City Council prior to the sunset period.

(b) The City Staff will present a report to the City Council three (3) months prior to the expiration date of this ordinance. The report will provide data on the affects that this ordinance has on the City.

(c) After the presentation of the report, the City Council will adopt a permanent ordinance or allow this ordinance to sunset. If the ordinance is allowed to sunset, vacation rentals will be prohibited in the City of Belle Isle.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. CONFLICTS. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 5. PRESERVATION OF CODE SECTION 7-30. This Ordinance and the City Code amendments effected hereby shall not be construed to override, repeal, waive, eliminate, suspend, recede from, or in any way invalidate or make ineffective the prohibition on short-term rentals provided for in Ordinance No. 08-03 creating Section 7-30 of the City Code, and such provision remains in full force and effect and shall continue to apply without interruption to the extent that a vacation rental or short-term rental is not allowed under the new Article III, Chapter 7 of the City Code created by this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

FIRST READING: _____, 2018

SECOND READING: _____, 2018

ADOPTED this ____ day of _____, 2018, by the City Council of the City of Belle Isle, Florida.

CITY OF BELLE ISLE

Lydia Pisano, Mayor

ATTEST:

Yolanda Quiceno, City Clerk

Date