

CITY OF CLEWISTON
ORDINANCE NO. 2025-04

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA AMENDING THE CLEWISTON CODE OF ORDINANCES, CHAPTER 22, BUSINESSES; CREATING ARTICLE VIII. – VACATION RENTALS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; CONFLICT; SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, increasing numbers of vacation rental uses have arisen within the city; and

WHEREAS, the city lacks current legislation regulating these uses within the city; and

WHEREAS, the Commission of the City of Clewiston, Florida is authorized to regulate and provide for the inspection of these uses pursuant to Florida Statute 509.032(7)(a) and now desires to create a framework for vacation rental regulation and finds it to be in the best interest of the city and the public welfare to do so;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, AS FOLLOWS:

SECTION 1. The Clewiston Code of Ordinances, Chapter 22, Article VIII. Vacation Rentals is hereby created to hereafter read as follows:

ARTICLE VIII. – VACATION RENTALS

Sec. 22-180. – Vacation rental registration & inspection required.

- (a) *Applicability.* A vacation rental is a dwelling unit that is also a transient public lodging establishment. A transient public lodging establishment, as defined under Fla. Stat. 509.013(4)(a)1 means any unit which is rented out to guests more than (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods less than thirty (30) days or one (1) calendar month, whichever is less.
- (b) It shall be unlawful for any person or entity to operate or occupy a property as a vacation rental within the city or offer such property for rent as a vacation rental within the city, unless the person or entity has first registered such property with the city by obtaining a vacation rental permit in accordance with the requirements of this article. Separate permits are required for each individual vacation rental unit. All vacation rental permits shall be renewed annually and shall be considered delinquent if not renewed by September 30th of each year.

- (c) *Inspection.* An initial inspection of the vacation rental shall be completed by a city code inspector and/or building department personnel, for compliance with the provisions of this article. If violations are found, all violations must be corrected, and the property or dwelling unit must be re-inspected prior to the issuance of the vacation rental permit.
- (d) *Reinspection.* Once issued, a vacation rental must be properly maintained in accordance with the standards herein and will be re-inspected annually. Any violations must be corrected and re-inspected. Failure to correct such inspection deficiencies shall result in possible code enforcement action and the suspension of the vacation rental permit until such time as the violations are corrected and re-inspected.
- (e) *Approval or Denial.* The city may either approve a vacation rental registration or deny such application/renewal in conjunction with the issuance of a notice of denial upon a finding that one or more of the criteria required under this article have not been met.
- (f) *Appeals.* Any owner/applicant aggrieved by a city decision regarding denial of a vacation rental may file an appeal by requesting a hearing before the city's code enforcement special magistrate. The hearing request must be in writing and filed with the city attorney within ten days of receipt of the decision complained about. The hearing request must also specify the decision and the principal grievance of the owner/applicant. The City shall then provide such applicant/owner notice of a hearing before the special magistrate. The special magistrate's findings and resulting order shall constitute the final administrative action of the city for purposes of judicial review.

Sec. 22-181. – Registration submittal.

(a) *Applicability.* Every vacation rental owner or operator shall register with the city by submitting to the building department a completed vacation rental registration in a form promulgated by the city, together with registration and inspection fees in amounts established by resolution of the city commission, which amounts may be amended from time to time. A separate registration application form with separate registration and inspection fees shall be required for each vacation rental unit.

(1) *Permit application.* A complete vacation rental permit application form shall include the following:

- a. A copy of the business tax receipt issued by the city.
- b. Property card printout from the county property appraiser database.
- c. A copy of the current transient public lodging establishment license issued by the state department of business and professional regulation.
- d. Current certificate of registration with the state department of revenue for remittance of applicable state taxes.
- e. Floorplan of the vacation rental unit which includes stairways, hallways, bedrooms, exists, and which identifies all fire extinguisher locations.
- f. Site survey which includes the residential unit, any swimming pools, hot tubs, spas, and fencing.
- g. Contact information for the owner or responsible party, in the format prescribed by the city.

h. Proof that the vacation rental has satisfied the inspection requirements as provided under this article.

(2) *Modification of permit.* An application for modification of a vacation rental permit shall be required in the event that any of the following changes to the vacation rental are proposed:

- a. An increase in the gross square footage.
- b. An increase in the number of bedrooms.
- c. An increase in the maximum occupancy.
- d. An increase in the number of parking spaces, or a change in the location of parking spaces.
- e. An increase in the number of bathrooms.
- f. Any other material modifications that would increase the intensity of use or implicate the Florida building or Fire Codes.

(3) *Duration of permit.* A vacation rental permit issued under this article shall expire each September 30 and may be annually renewed thereafter if the property is in compliance with this article.

(4) *Renewal of permit.* A vacation rental permit renewal shall be completed by September 30 of each year, through the execution of a renewal affidavit and inspection in the format prescribed by the city, and the payment of the renewal fee as established by the city. A property owner may apply for renewal of a vacation rental permit beginning July 1 prior to the expiration of the annual license.

(5) *Incomplete permit application/renewal.* If the permit application or renewal form submitted pursuant to this article is incomplete, the applicant shall be informed of such deficiency and shall have ten days to correct the deficiency.

(6) *Non-transferability and non-assignability of permit.* Vacation rental permits issued under this article are non-transferable and non-assignable. If the ownership of any vacation rental property is sold or otherwise transferred, the new owner is required to apply for new permits.

(7) *Permit application or renewal fees.* The city charges reasonable administrative fees to process a vacation rental permit application or renewal, the amount of which shall be established by resolution of the city council. Fees are non-refundable.

(8) *False or misleading information.* It shall be unlawful for any person to give false or misleading information in connection with any application for, modification, or renewal of a vacation rental permit as required by this article. Vacation rental permit 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 permit issued pursuant to such application.

Sec. 22-183. – Vacation rental standards.

- (a) All structures housing vacation rental uses operating within the city must meet the minimum required standards within the latest edition of the Florida Building Code and the Florida Fire Prevention code as amended from time to time.
- (b) The city shall not process any vacation rental registration or renewal if the property has unresolved code violations or code enforcement lines.

Sec. 22-184. –Enforcement; evidence of unlawful vacation rental operation.

(a) It shall be unlawful and a violation of this chapter for any person or entity to rent, lease, advertise or hold out for rent any property or dwelling unit for vacation rental use without a vacation rental permit. Upon a determination by the city that a vacation rental is being operated in a manner inconsistent with this article, the city shall begin enforcement proceedings in accordance with Chapter 26 Article III of this code. In addition to any other enforcement authority provided by law, the special magistrate may authorize suspension or revocation of a vacation rental permit upon a finding of one or more violations of this article.

(b) Prima facie evidence of vacation rental uses of a property or dwelling unit shall include:

(1) Registration or licensing for short-term rental or transient rental use by the state under Fla. Stat. chapters 212 and 509.

(2) Advertising, listing, posting, or otherwise holding out a property or dwelling unit for vacation rental use on the internet or other mass communication medium.

(3) Reservations, booking arrangements or more than one signed lease, sublease, assignment, or any other occupancy or agreement for compensation, trade, or other legal consideration addressing or overlapping any period of 28 days or less;

(4) The use of an agent or other third person to make reservations or booking arrangements.

Nothing herein precludes the city from presenting other forms of evidence of unlawful vacation rental use or operation.

(c) No fees or taxes shall be refunded in a vacation rental permit is suspended, revoked, or cancelled pursuant to this section.

(d) Additional remedies. Nothing contained herein shall prevent the City from seeking all other available remedies which may include, but not be limited to, injunctive relief, liens, and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

Secs. 22-185 – 22-189. – Reserved.

SECTION 2. Codification. The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the City of Clewiston.

SECTION 3. Severability. If any phrase, sentence, or portion of this Ordinance is, for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and individual provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Repeal of Laws in Conflict. All ordinances of the City of Clewiston, Florida, which are in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon its passage and is consistent with all requirements of general law.

Commissioner _____ offered the foregoing ordinance. Commissioner _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
JAMES PITTMAN, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HILLARY HYSLOPE, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARBARA EDMONDS, COMMISSIONER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MILA GARDNER, COMMISSIONER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JASON WILLIAMS, COMMISSIONER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, ON FIRST READING, THIS ____ DAY OF _____, 20__.

Commissioner _____ offered the foregoing ordinance. Commissioner _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
JAMES PITTMAN, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HILLARY HYSLOPE, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARBARA EDMONDS, COMMISSIONER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MILA GARDNER, COMMISSIONER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JASON WILLIAMS, COMMISSIONER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, ON SECOND READING, THIS ____ DAY OF _____, 20__.

ATTEST:

CITY OF CLEWISTON, FLORIDA

Lakisha Burch, City Clerk

James Pittman, Mayor

(MUNICIPAL SEAL)

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

**By: _____
Dylan J. Brandenburg, City Attorney**