

ORDINANCE NO. 21-26

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, ENTITLED “BUILDINGS AND BUILDING REGULATIONS,” TO CREATE ARTICLE VIII, TO BE ENTITLED “VACATION RENTALS;” PROVIDING FOR THE REGULATION OF VACATION RENTALS AS DEFINED HEREIN; PROVIDING FOR DEFINITIONS, PROCESS FOR ISSUANCE OF VACATION RENTAL PERMITS, REQUIREMENTS, REGULATIONS, AND STANDARDS FOR VACATION RENTALS, COMPLIANCE INSPECTIONS, SUSPENSION AND REVOCATION OF VACATION RENTAL PERMITS; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Subsection 163.3202(1), Florida Statutes (2015), requires municipalities to adopt and enforce land development regulations that are consistent with and implement their adopted comprehensive plans; and

WHEREAS, the City of Cooper City Comprehensive Plan Future Land Use Map designates areas for residential use that are intended primarily for dwellings as well as other land uses that support the residential environment; and

WHEREAS, Chapter 23 of the City’s Code of Ordinances (the “Zoning Code”) establishes residential zoning districts consistent with the residential land use designations of the City’s Comprehensive Plan Future Land Use Map; and

WHEREAS, the Zoning Code provides a list of permitted and special exception uses permitted within each zoning district and prohibits any use not substantially similar to those permitted uses; and

WHEREAS, Chapter 509, Florida Statutes, entitled, “Lodging and Food Service Establishments; Membership Campgrounds,” regulates public lodging establishments,

and the term “Public Lodging Establishments”, is divided into the two subcategories: transient public lodging establishment and non-transient public lodging establishment; and

WHEREAS, Subsection 509.013(4)(a)1., Florida Statutes (2015), defines “transient public lodging establishment” as “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 a period 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.”; and

WHEREAS, Section 509.242(c), F.S., further defines “vacation rental” as “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, Subsection 509.032(7), F.S., provides that local laws, ordinances, or regulations may not prohibit vacation rentals or regulate the duration and frequency of rental of vacation rentals; and

WHEREAS, the Florida Attorney General opined in Advisory Opinion AGO 2014-09, that “. . . [t]o the extent a zoning ordinance addresses vacation rentals in an attempt to prohibit them in a particular area where residences are otherwise allowed, it would appear that a local government would have exceeded the regulatory authority granted in Section 509.032(7)(b), Florida Statutes.”; and

WHEREAS, Section 509.032(7), Florida Statutes, authorizes local governments to conduct inspections of public lodging establishments for compliance with the Florida

Building Code and the Florida Fire Prevention Code, pursuant to Sections 553.80 and 633.206, Florida Statutes (2015); and

WHEREAS, Section 509.241, Florida Statutes, provides for each public lodging establishment to obtain a license from the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants; and

WHEREAS, unregulated vacation rentals can create disproportionate impacts to adjoining properties and neighborhoods in relation to their size, excessive occupancy, and lack of proper facilities; and

WHEREAS, the presence of vacation rentals within residential dwelling units in established residential neighborhoods can create negative compatibility impacts, among which include, but are not limited to, excessive noise, on-street parking, accumulation of trash, and diminished public safety; and

WHEREAS, other classifications of transient public lodging establishments in Florida statutes are subject to stricter development standards, undergo annual inspections, and have more stringent operational and business requirements; and

WHEREAS, for purposes of this ordinance, the City Commission finds that vacation rentals are a form of transient rental, as set forth Ch. 509, F.S.; and

WHEREAS, many residential structures were constructed prior to the enactment of more current building and fire prevention codes that require minimum life, safety improvements, like hardwired or interconnected smoke detectors, carbon monoxide detectors, or pool safety drains, etc.; and

WHEREAS, the City of Cooper City finds a substantial interest in furthering the public health, safety and welfare by controlling density, by protecting the residential

character of areas designated for residential use, implementing its comprehensive plan, and establishing and enforcing minimum life safety standards; and

WHEREAS, the City Commission finds that imposing reasonable restrictions and regulations on vacation rentals is in the best interests of the citizens and residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance. These clauses represent the legislative findings of the City Commission. It is the purpose and intent of this Ordinance to promote the health, safety and welfare of the residents and citizens of the City of Cooper City.

Section 2. That Chapter 6 of the Code of Ordinances of the City of Cooper City, Florida, entitled "Buildings and Building Regulations," is hereby amended by creating Article VIII, to be entitled "Vacation Rentals," as follows:

Article XVI. Vacation Rentals

Sec. 6-110. Intent and Purpose.

The City Commission finds that transitory uses of residential property tend to adversely affect the residential character of the community and are injurious to the health of the community. Therefore, it is necessary and in the interest of the public health, safety, and welfare to monitor and provide reasonable means for citizens of the City of Cooper City to mitigate impacts created by

such transitory uses of residential property within the City of Cooper City. It is unlawful for any owner of any property within the geographic bounds of the City of Cooper City, Florida, to rent or operate a Vacation Rental contrary to the procedures and regulations established in this Article or applicable state statute.

Sec. 6-111. Definitions.

For the purpose of this Article, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory.

(a) *Garbage* as defined in Section 8-2 of the City Code of Ordinances.

(b) *Residential Property* shall mean "Residence, one-family;" "Residence, two-family;" and "Residence, three-family" and "Residence, four-family" set forth all residential zoning districts established pursuant to this Code.

(c) *Responsible Party* shall mean the owner, or the 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.

(d) Vacation Occupants means any person, or guest or invitee of such person, who occupies or is in actual or apparent control or possession of Residential Property required to obtain a permit as a Vacation Rental. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the Vacation Rental is a Vacation Occupant.

(e) Vacation Rental shall mean 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 rented to Vacation Occupants for 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 to the public as a place regularly rented to Vacation Occupants, but that is not a timeshare project. .

Sec. 6-112. Vacation Rental Registration and Permit Required.

(a) It is unlawful for any person to allow another person to occupy any Vacation Rental within the City of Cooper City, or offer any Residential Property for rent and/or lease as a Vacation Rental within the City of Cooper City, unless the person has obtained the Vacation Rental Permit for the Vacation Rental with the City of

Cooper City in accordance with the provisions of this Article, except as provided in 6-112(b).

(b) A person may allow another person to occupy any Vacation Rental without the issuance of a permit from the City if all the following are met:

1. The Vacation Rental to be occupied by a Vacation Occupant, or any other property owned by the titled owner of the Vacation Rental to be occupied by a Vacation Occupant, is not in violation of any section of the Code of Ordinances of the City of Cooper City; and,

2. There are no unsatisfied liens recorded against the Vacation Rental to be occupied by a Vacation Occupant, or any other property owned by the titled owner of the Vacation Rental to be occupied by a Vacation Occupant, as a result of any violation of any section of the Code of Ordinances of the City of Cooper City; and,

3. A complete application for a permit for the Residential Property as a Vacation Rental has been filed pursuant to Section 6-113 and all applicable fees have been paid; and,

4. That said occupancy was scheduled prior to October 1, 2021 as evidenced by a written and validly executed rental agreement or contract provided to the Community Development Director or designee; however, any renewal

terms of any occupancies scheduled after May 9, 2018 shall require a permit; and

5. For a Vacation Rental, the Vacation Rental has an effective and valid license as a Vacation Rental, the classification of public lodging establishment issued by the Florida Department of Business and Professional Regulations prior to October 1, 2021

Sec. 6-113. Application for Vacation Rental Permit.

(a) Application for a Vacation Rental Permit shall be made by the owner of the Vacation Rental to the Community Development Director or his or her designee, and Applications for a Vacation Rental Permit shall be certified as true and complete, and sworn to in the presence of a notary, and shall set forth at a minimum:

(1) The legal description of the Vacation Rental offered for rental (i.e., address, lot, block and subdivision name);

(2) Name, address, and phone number of owner of property that is the subject of the application;

(3) Name, address, and emergency contact phone number of Responsible Party for the Vacation Rental, which shall be a twenty-four (24) hour, seven (7) days' a week contact number;

(4) That the phone number for the Responsible Party will be answered twenty-four (24) hours a day, seven (7) days a week by the Responsible Party;

(5) Acknowledgements by owner of the Vacation Rental of the following:

a. That all vehicles associated with the Vacation Rental must be parked on hard surface off-street parking provided on the property;

b. That the Vacation Occupant of any Vacation Rental shall comply with the limitations of Section 6-118.

c. That the owner of Vacation Rental shall comply with all applicable City, County, State and Federal laws, rules, regulations, ordinances and statutes.

d. The Vacation Rental, or any other property owned by the titled owner of the Vacation Rental, is not in violation of any section of the Code of Ordinances of the City of Cooper City;

e. That there are no unsatisfied liens recorded against the Vacation Rental, or any other property owned by the titled owner of the Vacation Rental, as a result of any violation of any section of the Code of Ordinances of the City of Cooper City;

f. Placement of all solid waste and recycling containers for the Vacation Rental shall be placed in the swale area in accordance with Section 8-26 of the City's Code of Ordinances;

g. That whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance on a Vacation Rental, or, having been authorized, licensed, or invited, is warned by the owner or lessee, to depart the property and refuses to do so, commits the offense of trespass in a structure or conveyance;

h. That other properties are not jointly shared commodities and should not be considered available for use by Vacation Occupants of the Vacation Rental subject of the application; and,

i. That prior to permitting occupancy by a Vacation Occupant, the owner shall confirm that such occupancy is not prohibited by the City's sexual offender and predator residency prohibitions set forth in Section 11-8 of the City's Code of Ordinances.

(6) Proof of owner's current ownership of the Vacation Rental;

(7) Proof of owner's Certificate of Liability Insurance

(8) For Vacation Rentals, and where required by state law, proof of registration with the Florida Department of Revenue for sales tax collection and Broward County for Tourist Development Tax; however, if the Vacation Rental is exempt from sales tax collection then the Owner shall provide an affidavit confirming the exemption and a copy of the exemption certificate issued by the State of Florida Department of Revenue; and

(9) For Vacation Rentals, and where required by state law, proof of licensure with the Florida Department of Business and Professional Regulation for a transient public lodging establishment.

(b) Submission of an incomplete application form shall result in rejection of the application.

Sec. 6-114. Fees for Vacation Rental Permit.

The City of Cooper City shall charge reasonable fees for a Vacation Rental Permit in order to compensate for administrative expenses.

The fees for a permit under this Article shall be provided for, from time to time, by resolution adopted by the City Commission of the City of Cooper City.

Sec. 6-115. Responsible Party Required.

Whenever any Vacation Rental is required to obtain a Permit under this Article, the owner of the Vacation Rental shall appoint a natural

person, to serve as the Responsible Party for service of notices as are specified herein, and notices given to the Responsible Party shall be sufficient to satisfy any requirement of notice to the owner of the Vacation Rental. An initial Responsible Party shall be designated, and name submitted with the application for the Permit, and the Community Development Director or his/her designee shall thereafter be notified of any change of Responsible Party within five (5) business days of such change. Further, it is the affirmative duty of the Responsible Party to:

(1) Inform all Vacation Occupants, in writing, prior to occupancy of the Vacation Rental of applicable City of Cooper City ordinances concerning noise, residency prohibitions for sexual offenders and predators, vehicle parking, Garbage, and common area usage;

(2) Maintain all Vacation Rentals under their control in compliance with the occupancy limits, as specified in the Code of Ordinances of the City of Cooper City, Florida, as determined by the building official or his designee;

(3) See that the provisions of this Article are complied with and promptly address any violations of this Article or any violations of law which may come to the attention of the Responsible Party;

(4) Be available with authority to address and coordinate solutions to problems with the Vacation Rental twenty-four (24) hours a day, seven (7) days a week;

(5) Be able to, and shall, respond to, emergency calls by telephone within one (1) hour of notification and in person within three (3) hours of notification;

(6) Keep available a register of all Vacation Occupants, which shall be open to inspection by the City's code enforcement, and its officers, inspectors and employees, and; and

(7) Maintain the entire Vacation Rental free of Garbage and litter; provided however, that this subsection shall not prohibit the storage of Garbage, recyclables, and litter in wheeled receptacles with hinged lids and in good repair.

Sec. 6-116. False Information.

It shall be unlawful for any person to give any false or misleading information in connection with the application required by this Article.

Sec. 6-117. Minimum Requirements for Issuance of a Vacation Rental Permit.

The Community Development Director or designee may issue a Permit to the applicant upon proof of the following:

- (a) The Owner of the Vacation Rental completes the City of Cooper City Vacation Rental Permit application form;
- (b) The application fee has been paid to the City of Cooper City;
- (c) A business tax receipt from the City of Cooper City pursuant to Chapter 9 of the Code of Ordinances;
- (d) A business tax receipt from Broward County, if applicable;
- (e) A Florida Department of Revenue certificate of registration for purposes of collecting and remitting tourist development taxes, sales surtaxes and Vacation Rental taxes;
- (f) For Vacation Rentals, a Florida Department of Business and Professional Regulation license as a transient public lodging establishment;
- (g) An affidavit, demonstrating initial and on-going compliance with Vacation Rental Standards contained herein, plus any other applicable local, state and federal laws, regulations and standards to include, but not be limited to Chapter 509, Florida Statutes, and Rules, Chapter 61C and 69A, Florida Administrative Code, as may be applicable;
- (h) A copy of the form agreement to be used when contracting with Vacation Occupants; and

(i) An affidavit certifying compliance with Section 6-119.

Sec. 6-118. Vacation Rental Standards.

The following standards shall govern the use of any Vacation Rental as a permitted use:

1) 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 the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes.

b) Smoke and carbon monoxide (CO) detection and notification system. A smoke alarm and carbon monoxide (CO) alarm 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 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.

2) Maximum occupancy. The following specific site considerations in subsections a., b., and c. shall limit any Vacation Rental occupancy to whichever is less, as applicable, below:

a) One (1) person per one hundred fifty (150) gross square feet of permitted, air-conditioned living space.

b) In the single family residential zoning districts, the maximum occupancy shall be limited to no more than two persons per bedroom per Vacation Rental. In all other zoning districts and developments predominantly developed with greater than two-family dwelling units, the maximum occupancy shall also be limited to no more than two (2) persons per bedroom per Vacation Rental unit.

3) Solid waste handling and containment. Based on the maximum vacation occupancy permitted, City solid waste and recycling containers shall be as required in Chapter 8 of the City's Code of Ordinances. Appropriate screening and storage requirements for solid waste containers shall apply per any development approval and be incorporated into the Vacation Rental Permit. For purposes of this section, a solid waste containers shall be placed in accordance with Section 8-26 of the City's Code of Ordinances.

4) Minimum Vacation Occupant Information. The occupant shall be provided with a copy of the information required in this section, and

the following shall be posted conspicuously within the Vacant Rental:

a. A statement advising the Vacation Occupant that any noise shall not be plainly audible at twenty-five (25) feet or more or from the property of another in violation of Chapter 10 of the City's Code of Ordinances.

b. A sketch of the location of the off-street parking spaces for the Vacation Rental;

c. The days and times of trash and recycling pickup as well as the permitted times for placement of receptacles for collection;

d. The location of the nearest hospital;

e. Notice that sexual offenders and predators are subject to residency prohibitions in the City's Code and occupancy of the Vacation Rental in violation of such ordinance is a violation of law; and

f. The City's non-emergency police phone number.

g. There shall be posted, next to the interior door of each bedroom a legible copy of the building evacuation map – Minimum 8-1/2" by 11".

5) Minimum Wording for Agreement relating to Vacation Rental.

Any agreement utilized by an occupant of the Vacation Rental shall

contain the Minimum Vacation Occupant Information as provided for in this section.

6) Designation of a Vacation Rental Responsible Party capable of meeting the duties provided in Section 6-115.

7) Advertising. Any advertising of a Vacation Rental shall conform to information included in the Vacation Rental Permit, particularly as this pertains to maximum occupancy.

8) Sexual offenders and sexual predators. It is unlawful to allow any person to occupy any Vacation Rental within the City of Cooper City, with the knowledge that it will be occupied by a person prohibited from establishing a permanent residence or temporary residence at said Vacation Rental, if such place, structure, or part thereof, trailer or other conveyance, is located within Two Thousand Five Hundred feet (2,500') of any school, designated public school bus stop, child day care facility, park or playground or other place where children regularly congregate as described in Section 11-8 of the Code of Ordinances.

9) Posting of Vacation Rental Permit. The permit shall be posted on the back of or next to the main entrance door and shall include at a minimum the name, address and phone number of the Responsible Party and the maximum occupancy of the Vacation Rental.

10) Other standards. Any other standards contained with the Code of Ordinances to include, but not be limited to: noise, setbacks, storm water and similar provisions.

Sec. 6-119. Initial and Routine Certification of Compliance

1) An initial inspection of the Residential Property proposed to be used as a Vacation Rental for compliance with this Article is required prior to issuance of an initial Vacation Rental Certificate of Compliance. If violations are found, all violations must be corrected and the Vacation Rental must be re-inspected prior to issuance of the initial Vacation Rental Certificate of Compliance.

2) Once issued, a Vacation Rental must be properly maintained in accordance with this Article, and will be re-inspected annually. For an inspection, all violations must be corrected and re-inspected within thirty (30) calendar days. Failure to correct such inspection deficiencies in the timeframes provided herein shall result in the suspension of the Vacation Rental Certificate of Compliance until such time as the violations are corrected and re-inspected.

3) The Responsible Party shall make the appointment for the inspections. If the inspector has an appointment with the Responsible Party to complete an inspection, and the Responsible Party fails to admit the inspector at the scheduled time, the owner shall be charged a “no show” fee in an amount to be determined by

resolution of the City Commission of the City of Cooper City to cover the inspection expense incurred by the City of Cooper City.

4) If the inspector(s) is denied admittance by the Responsible Party or if the inspector fails in at least three (3) attempts to complete an initial or subsequent inspection of the Vacation Rental, the inspector(s) shall provide notice of failure of inspection to the owner to the address shown on the existing Vacation Rental Certificate of Compliance or the application for Vacation Rental.

a) For an initial inspection, the notice of failure of inspection results in the Certificate of Compliance not being issued; the Vacation Rental is not permitted to operate without a valid Certificate of Compliance.

b) For a subsequent inspection, the notice of failure of inspection is considered a violation and is subject to enforcement remedies as provided herein.

Sec. 6-120 Vacation Rental Permit is not Transferable.

No permit issued under this Article shall be transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

Sec. 6-121 Expiration of Vacation Rental Permit.

All permits issued under the provisions of this Article shall be valid for no more than one year, and all permits shall expire on September 30th of each year, regardless of when issued. The

annual fee shall be the same regardless of when the application is submitted. Renewal and applicable late renewal fees shall be established by resolution of the City Commission of the City of Cooper City.

Sec. 6-122 Suspension and Revocation.

(a) Any permit issued pursuant to this Article may be denied, revoked, or suspended by the City Manager upon the adjudication of a violation of this Article, any City of Cooper City Ordinance, or state law, including criminal activity, by the owner, occupant, or Responsible Party. Such denial, revocation or suspension is in addition to any penalty provided herein.

(b) Offenses/violations.

(1) Non-compliance with any provisions of this Article shall constitute a violation of this Article.

(2) Separate violations. Each day a violation exists shall constitute a separate and distinct violation.

(c) Remedies/enforcement.

(1) Violations of this Article shall be subject to penalties as part of a progressive enforcement program with the primary focus on compliance and compatibility with adjoining properties, versus penalties and legal actions. To accomplish a safe and effective Vacation Rental program it is the City's objective that the Vacation Rental owners and Responsible Parties are responsive and responsible in the management of the Vacation Rental for

compliance with this Article. Code enforcement activities will be in accordance with Chapter 162, Florida Statutes, and Chapter 13 of the Code of Ordinances of the City of Cooper City, Florida, which may include the issuance of citations or municipal prosecutions.

(2) Warnings. Warnings shall be issued for first-time violations and have a correction/compliance period associated with it. Such warnings may include notice to other agencies for follow-up by such agencies, if applicable, such as the Florida Department of Business and Professional Regulation, the Florida Department of Revenue, the Broward County Tax Collector and the Broward County Property Appraiser. Non-compliance with a correction compliance period shall result in the issuance of a citation.

(3) Fines per violation may be set by Resolution of the City Commission of the City of Cooper City for the first, second, third and further repeat violations. The City may utilize Chapter 162, Florida Statutes, to prosecute a code violation and in such case a Special Magistrate shall hold hearings, assess fines and order other relief. Alternatively, the City of Cooper City may utilize Part 2 of Chapter 162, Florida Statutes, and pursue violations by way of a civil citation system as provided in its Code of Ordinances. The City of Cooper City may also rely on an appropriate enforcing agency at the state or local level.

(4). Additional remedies. Nothing contained herein shall prevent the City of Cooper City from seeking all other available remedies which may include, but not be limited to, suspension or revocation of a Vacation Rental Permit, injunctive relief, liens and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

(d) Suspension or Revocation of Vacation Rental Permit. In addition to any fines and any other remedies described herein or provided for by law, the Code Enforcement Board or Special Magistrate may suspend or revoke a Vacation Rental Permit for multiple violations of the maximum occupancy limits in this Article in any continuous thirty-six (36) month period, in accordance with the following:

(1) Suspension time frames.

a. Upon a third violation of the maximum occupancy limits contained in this Article the Vacation Rental Permit shall be suspended for a period of thirty (30) calendar days.

b. Upon a fourth violation of the maximum occupancy limits contained in this Article the Vacation Rental Permit shall be suspended for a period of twelve (12) calendar months.

c. For each additional violation of the maximum occupancy this Article the Vacation Rental Permit shall be suspended for an additional period of twelve (12) calendar months.

(2) Suspension restrictions. A Vacation Rental may not provide transient occupancy during any period of suspension of a permit.

a. The suspension shall begin immediately following notice, commencing on the earlier of:

(i). the expiration of the current Vacation Rental agreement period; or

(ii) if multiple separate rental agreements are simultaneously applicable to a Vacation Rental, the expiration of all agreements for the Vacation Occupants utilizing the Vacation Rental on the date of delivery of a notice of violation to the owner or Responsible Party; or

(iii) thirty (30) calendar days, or as otherwise determined by the City of Cooper City Special Magistrate.

b. Operation during any period of suspension shall be deemed a violation pursuant to this article and shall be subject to daily fine, up to the maximum amount as otherwise provided in Florida Statutes for repeat violations, for each day that the Vacation Rental operates during a period of violation.

(3) Revocation of Vacation Rental Permit. A Residential Property shall not be used as a Vacation Rental after revocation of a permit. A Vacation Rental Permit may be revoked by the City's Code Enforcement Board or Special Magistrate following a hearing in which multiple violations of this Article have occurred, and the

Special Magistrate finds violations are intentional, and affect the health, safety, and welfare of surrounding properties and residents.

A Vacation Rental Permit may also be revoked if the Special Magistrate finds that the owner made material misrepresentations on the Vacation Rental Permit application.

(e) During any period of suspension or revocation of a Vacation Rental Permit, no advertisements for the Vacation Rental shall occur.

(f) The Vacation Rental owner shall not be entitled to any refund of the annual fee paid for the Vacation Rental Permit for any portion of the unexpired term of a permit due to suspension or revocation of the permit.

Sec. 6-122. Complaints.

Whenever a violation of this Article occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Community Development Department Director or designee. The Community Development Department Director or designee shall promptly record such complaint, investigate, and take action thereon in accordance with this Article and the Code of Ordinances of the City of Cooper City, Florida.

Section 3. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 4. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 5. Codification. It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Cooper City, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 6. Effective Date. This Ordinance shall become effective upon passage and adoption.

THE REST OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.

PASSED AND ADOPTED on First Reading this _____ day of _____, 2021

PASSED AND FINAL ADOPTION on Second Reading this _____ day of _____, 2021.

ATTEST:

GREG ROSS
Mayor

Kathryn Sims
City Clerk

Approved As To Form:

JACOB G. HOROWITZ
City Attorney

ROLL CALL

Mayor Ross _____
Commissioner Shrouder _____
Commissioner Green _____
Commissioner Meltzer _____
Commissioner Pulcini _____