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RESOLUTION R23-094

**A RESOLUTION OF THE CITY OF BOYNTON BEACH,
FLORIDA, APPROVING THE APPLICATION TO BE USED
FOR SHORT-TERM RENTAL SUBMITTALS; PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, as proposed in Ordinance No. 23 -012 , this new Short-Term Rental (STR) application is required for initial issuance and renewal, along with certain changes made to an approved application; and

WHEREAS, the purposes and functions of the Short-Term Rental application are to serve as a checklist to guide the applicant to the applicable STR regulations and other government agency; to act as an overview of the STR regulations to prepare the subject property in compliance; to assist the applicant to prepare the necessary documents and plans for staff review, determination, and inspection of the subject property; and it is designed to acquire the necessary information between the property owner and local responsible party; and

WHEREAS, upon the recommendation of staff, the City Commission deems it to be in the best interests of the citizens and residents of the City of Boynton Beach to approve the application to be used for Short-Term Rental submittals pursuant to Ordinance 23-012.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, FLORIDA, THAT:

Section 1. The foregoing "Whereas" clauses are true and correct and are hereby ratified and confirmed by the City Commission.

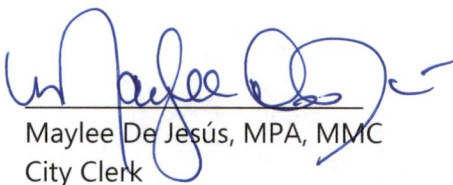
29 **Section 2.** The City Commission of the City of Boynton Beach, Florida, hereby
 30 approves the application, a copy of the amendment is attached hereto and incorporated
 31 herein by reference as Exhibit "A", to be used for Short-Term Rental submittals pursuant to
 32 Ordinance 23-012..

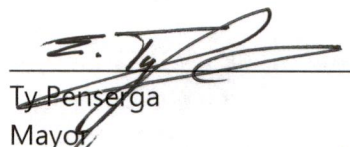
33 **Section 3.** This Resolution shall become effective October 1, 2023.

34 **PASSED AND ADOPTED** this 18th day of July, 2023.

35			
36		CITY OF BOYNTON BEACH, FLORIDA	
37			YES NO
38			✓ _____
39		Mayor – Ty Penserga	_____
40			✓ _____
41		Vice-Mayor – Thomas Turkin	_____
42			✓ _____
43		Commissioner – Angela Cruz	_____
44			✓ _____
45		Commissioner – Woodrow L. Hay	_____
46			✓ _____
47		Commissioner – Aimee Kelley	_____
48			50
49		VOTE	_____

50 ATTEST:

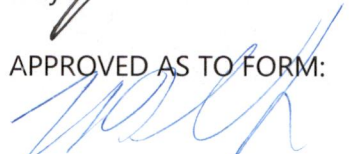
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 52 
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 54 Maylee De Jesús, MPA, MMC
 55 City Clerk

56
 57 
 58 Ty Penserga
 59 Mayor

58 (Corporate Seal)



60 APPROVED AS TO FORM:

61
 62 
 63
 64 Michael D. Cirullo, Jr.
 City Attorney



**CITY OF BOYNTON BEACH
DEVELOPMENT DEPARTMENT | Development Services**

100 E. Ocean Ave. • Boynton Beach, FL 33435 • (561)742-6350 • developmentm@bbfl.us

Short-Term Rental Application

Year _____

PROCEDURE: Submit the completed application (6 pages) and required documents and plans with a non-refundable fee to the Business Tax Receipt Office **by the property owner or authorized representative**. When the application is processed, inspections shall be scheduled by the owner or local responsible party, and approved in accordance with Part II Code of Ordinances, Chapter 13 Licenses, Article V. Rental Housing.

APPLICATION FEE (includes first City inspection):	\$525.00 per unit
ANNUAL RENEWAL FEE (includes first City inspection):	\$325.00 per unit
RE-INSPECTION FEE:	\$100.00

APPLICATION CHECKLIST: The following documents shall be submitted with the completed application.

SUBMITTAL	
A copy of the Short-Term Rental's current License as a Transient Public Lodging Establishment with The Florida Department of Business and Professional Regulation.	Florida Department of Business & Professional Regulation Address: 1940 North Monroe St, Tallahassee, FL 32399 Phone: 850-487-1395 Website: www.MyFloridaLicense.com
A copy of the Short-Term Rental's current certificate of registration with the Florida Department of Revenue. Certificate must be in the property owner's name and list the property address.	Florida Department of Revenue Address: 2468 Metrocentre Blvd, West Palm Beach, FL 33407 Phone: (561) 640-2800 Website: https://floridarevenue.com/taxes
Approval will not be granted if a code violation exists on the property. Documentation may be required.	Community Standards, City of Boynton Beach Address: 100 E. Ocean Ave., Boynton Beach, FL 33435 Phone: 561-742-6120 Email: PierreV@bbfl.us
Authorization letter if the application is being submitted on behalf of the property owner.	
Photograph of posted rules and regulations clearly visible to patrons.	
A copy of the standard rental/lease agreement is required if the applicant is not the property owner.	
<p>A detailed, neatly drawn and legible sketch of rental property's floor plan identifying all bedrooms and other living spaces, exits, smoke detectors, emergency lighting, location of fire extinguishers, and telephone service.</p> <ul style="list-style-type: none"> The telephone with the ability to call 911 shall be available in the main level common area. Hard wired emergency lighting shall be installed at the primary ingress and egress of each inhabitable structure on the STR property. 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. 	
A site plan and/or survey illustrating the existing conditions of the property swimming pool, spa, and/or hot-tub; storage areas for waste; recreational vehicles accompanying or accessible to renters; fence; and parking spaces with dimensions to confirm compliance with standards.	
A copy of Article I. Business Tax Receipts and Certificate of Use and Occupancy and Article V. Rental Housing of Chapter 13. LICENSES has been reviewed and the requirements are understood.	

NOTE: Be sure to apply for Tourist Development Tax with the Palm Beach County Tax Collector's Office.

Address: 301 N. Olive Ave. 3rd Floor, WPB, 33401 | Phone: [561-355-2264](tel:561-355-2264) | Website: <https://www.pbctax.com/>

Property Information					
STREET ADDRESS (of the Short-Term Rental):				PROPERTY PARCEL NUMBER:	
Number of Rooms <small>[Excluding bathrooms and closets]</small>		Number of Refuse/Waste/Garbage Cans			
Number of Parking Spaces		Is there a landline phone?		Yes	No
Is there a Swimming Pool?		Yes	No	Is there a Spa or Hot Tub?	
				Yes	No
Marketing Platforms:					

Property Owner Contact Information (Please Print)		Local Responsible Party (LRP)* Contact Information (Please Print)	
		<input type="checkbox"/> Check the box, if the property owner is the LRP.	
Business Name (if applicable):		Business Name (if applicable):	
Print Name and Title:		Print Name and Title:	
Mailing Street Address:		Mailing Street Address:	
Mailing Address City/ State/ Zip:		Mailing Address City/ State/ Zip:	
Primary Phone Number:		Primary Phone Number:	
Secondary/ Cell Phone Number:		Secondary/ Cell Phone Number:	
Email:		Email:	
Social Security/EIN <small>[Per FS 205.0535(6)]</small> :		<input type="checkbox"/> The LRP is 25 years of age or older and able to reach the property within 1 hour.	
Telephone Number for phone line inside of the home:			
Account Number (if applicable):			

* Please review requirements of the Local Responsible Party on page 5 & 6 of this application.

INSPECTION:

YOU MUST CALL TO SCHEDULE AN INSPECTION OF THE SHORT-TERM RENTAL WITHIN 30 DAYS OF FILING A COMPLETE APPLICATION. FAILURE TO SCHEDULE INSPECTION(S) WILL RESULT IN CANCELLATION OF THE APPLICATION, FORFEITURE OF FEES PAID, AND POSSIBLE CIVIL ACTIONS AND PENALTIES. REINSPECTION FEES WILL APPLY AFTER FIRST INSPECTION.

- One application per rental unit
- The *Certificate of Use and Occupancy* is required if the property is rented at any time during the tax year, which comprises the period of September 30th - October 1st of the following year
- The *Certificate of Use and Occupancy* is issued after approval of inspection(s) by Community Standards and/or the Fire Rescue Department, and valid from the date of issuance until the end of the business tax year
- Whole unit rental required
- Operable smoke detectors in each room
- Operable fire extinguisher
- Emergency lighting at the primary ingress and egress of each inhabitable structure on the STR property
- A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes.
- Off-street parking space or driveway on the property
- Storage areas for refuse/waste/garbage cans
- Operable carbon monoxide detector in any rooms where gas is a source of energy

INSPECTION BY
Community Standards (Phone: 561-742-6120)

Owner Affidavit for Short-Term Rental

I certify that all the above information is true and correct, and I understand that any false statements constitute a violation of Florida State Statutes and will result in revocation or denial of the Short-Term Rental and prosecution in accordance with the law. I hereby agree to operate the above- described business in accordance with all the laws of the State of Florida and the City's Code of Ordinances. Furthermore, I understand that issuance of the Short-Term Rental is conditioned upon the compliance with all ordinances and the results of any investigations of the above described business.

The application shall bear the signature of all owner(s) and all authorized responsible party(ies) of the owner(s). If necessary, please attach additional sheets with notarized signatures of all other authorized signatures of all other authorized property owners and/or short-term rental responsible party(ies).

The Development Director or his/her designee may revoke or refuse to issue or renew a Short-Term Rental, if a property owner has willfully withheld or falsified any information required for a Short-Term Rental application.

Failure to renew when applicable, shall constitute a code violation and subject the property owner/responsible party to the revocation of the Short-Term Rental (Article V. Rental Housing, Section 13-97. Penalties, Offenses, and Suspension of Chapter 13. Licenses).

I acknowledge that the City police officers are authorized to issue trespass warnings on behalf of the property owner.

I understand that the Certificate of Use and Occupancy is nontransferable and the Local Business Tax Receipt and Certificate of Use and Occupancy expires on September 30th annually, with the option to renew in accordance with Chapter 13. Licenses, Article V. Rental Housing of Part II. Code of Ordinances.

Property Owner: _____
(Print or Type Name)

Property Owner: _____ **Date:** _____
(Signature)

Authorized Responsible Party: _____
(Print or Type Name)

Authorized Responsible Party: _____ **Date:** _____
(Signature)

SWORN TO AND SUBSCRIBED before me this ____ day of _____ 20____, by means of physical presence or online notarization.

Notary Public
Seal of Office

Notary Public, State of Florida

(Print Name of Notary Public)

Type of identification Produced: Personally Known Produced Identification

Local Responsible Party (LRP) Affidavit

Local Responsible Party (LRP) Requirements (Part II, Chapter 13, Article I, Section 13-6, (e)):

(e) Local Responsible Party (LRP) required.

(1) Whenever any property is required to have a Certificate of Use and Occupancy under this article, the owner shall designate in writing, on a form provided by the city, a local responsible party which shall be a minimum of twenty-five years of age, for contact by city officials relating to the property. The owner shall also provide a valid address and phone number for the LRP.

(2) The LRP under this section must reside within Miami-Dade, Broward, Palm Beach, Martin or St. Lucie County, except that the LRP for a Short-Term Rental must reside within Broward, Palm Beach or Martin County. The purpose of this more restrictive locational standard applicable to Short-Term Rentals is to ensure that the handling of matters requiring onsite presence of the LRP are attended to within approximately one (1) hour. The property owner may be the designated LRP if they meet the requirements of this Article.

(3) An LRP shall have the authority to adequately and timely respond to any Code compliance issues that may arise on the subject property and shall be responsible for the care, custody, control and compliance of the rental property. The Local Responsible Party may apply for a Certificate of Use and Occupancy, Business Tax Receipt, and inspections on behalf of the owner.

(4) An owner shall notify the Development Department in writing of any change in the designation of the local responsible party within ten (10) business days of such change.

(5) Failure to designate or engage a LRP meeting the requirements of this section shall be a violation of the City Code punishable under Chapter 2, Article V of this Code.

In addition to the responsibilities required for a local responsible party as provided in (e) of Section 13-6, quoted above, additional responsibilities for a Short-Term Rental are required as follows:

- To comply with all applicable standards of this Article as well as all other applicable city, county, state and federal laws, rules, regulations, ordinances and statutes, and use best efforts to assure that the rental use of the dwelling unit will not disrupt the residential character of the neighborhood, and will not interfere with the rights of neighboring residents to the quiet enjoyment of their residences;
- To benefit the safety of, and maximize compliance with rules and standards by the tenants, a posting of information is clearly visible to the tenants in the rental unit.
- The residential property, or any other property owned by the titled owner of the residential property, is not in violation of any section of the Code of Ordinances of the City;
- There are no unsatisfied liens recorded against the residential property, or any other property owned by the titled owner of the residential property, as a result of any violation of any section of the Code of Ordinances of the City;
- Waste from the use of the property will be handled in accordance with the requirements of Chapter 10. Garbage, Trash and Offensive Conditions, Article II. Refuse, Garbage and Trash of Part II Code of Ordinances, as may be amended from time to time;
- Whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance of a residential property, 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;
- Other properties are not jointly shared commodities and should not be considered available for use by transient occupants of the transient rental subject of the application;
- That prior to permitting occupancy by an approved resident, the owner shall confirm that such occupant is not prohibited by the City's Sexual Offender Residency Prohibition requirements set forth in Chapter 15, Article X. Sexual Offender Residency Prohibition of Part II Code of Ordinances, and
- Submission of an incomplete application form shall result in rejection of the application.

- When the application is processed, an Inspection shall be made by appointment with the Community Standards Inspector.
- Be available and have the authority to address or coordinate problems associated with the property 24 hours a day, 7 days a week.
- Prior to occupancy of the rental unit, obtain the affidavit acknowledging that pets will be cared for in compliance with Chapter 4. Animals and Fowl of Part II Code of Ordinances.
- Prior to occupancy of the rental unit, inform all occupants of regulations including but not limited to parking, garbage and waste, noise, and outdoor musical performances.
- It shall be unlawful for any person to obtain a Business Tax Receipt for another business while the property is approved for any rental unit subject to this Article.
- At all times all automobiles shall be parked in an approved off-street parking space or driveway on the property.
- A whole unit shall be rented. Residential rentals shall be leased as a whole to a guest or guest party. In no event may an individual sleeping room be offered for rent.

I certify that I have read and understand the information contained on this affidavit, and that to the best of my knowledge such information is true, complete, and accurate.

BEFORE ME, the undersigned authority, personally appeared _____ (PRINT NAME)
 Who after being duly sworn, deposes and says: That I am the person whose signature appears below, and that the information I have provided above in this document is true and correct.

LRP Contact: _____
 (Print or Type Name) (Signature) (Date)

SWORN TO AND SUBSCRIBED before me this _____ day of _____ 20____, by
 means of physical presence or online notarization.

Notary Public
 Seal of Office

 Notary Public, State of Florida

 (Print Name of Notary Public)

_____ Personally Known

_____ Produced Identification

Type of identification Produced:
