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**ORDINANCE NO. 23-012**

**AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF BOYNTON BEACH, FLORIDA, AMENDING THE CITY OF BOYNTON BEACH'S CODE OF ORDINANCES; CHAPTER 2 "ADMINISTRATION", ARTICLE V "CODE COMPLIANCE BOARD; SPECIAL MAGISTRATE"; AMENDING CHAPTER 13, "LICENSES", ARTICLE I "BUSINESS TAX RECEIPTS AND CERTIFICATE OF USE AND OCCUPANCY"; AMENDING CHAPTER 13, "LICENSES", ARTICLE V "RENTAL DWELLING UNITS" TO RENAME AND RENUMBER THE ARTICLE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the purpose of this Ordinance is to establish specific processing requirements and standards applicable to the renting of residential properties; and

**WHEREAS**, these amendments to the City's Code of Ordinances include the reorganizing of Article I of Chapter 13 to consolidate existing sections applicable to residential rental uses with the proposed new sections applicable to Short-Term Rentals (abbreviated STR) within a new Article V; and

**WHEREAS**, the amendments consist of terms and definitions relative to both STRs and the traditional/long-term residential rentals, the more expanded application requirements for the STRs, technical or operational requirements, and a new compliance process to correspond with regulating STRs; and

**WHEREAS**, the amendments also include a few amendments to sections in other chapters and articles of the Code of Ordinances for connectivity and consistency purpose (e.g. cross-references); and

**WHEREAS**, the proposed regulations for STRs are intended to be consistent with the limitations on local regulation of vacation rentals under Florida law; and

**WHEREAS**, having considered the recommendations of staff, the City Commission has determined that it is in the best interest of the citizens and residents of the City of Boynton Beach to approve the amendment to the City's Code of Ordinances as contained herein.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION FOR THE CITY OF BOYNTON BEACH, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing whereas clauses are true and correct and are now ratified and confirmed by the City Commission.

36           **Section 2.** City of Boynton Beach’s Code of Ordinances, Chapter 2 “Administration”,  
37 Article V, “Code Compliance Board; Special Magistrate” is hereby amended as follows:

38           **CHAPTER 2 ADMINISTRATION**

39           ...

40

41           **ARTICLE V. CODE COMPLIANCE BOARD; SPECIAL MAGISTRATE**

42           ...

43

44           **Sec. 2-85. Criteria for lien reduction.**

45           The following criteria must be complied with prior to a lien reduction hearing before the  
46 Code Compliance Board or Special Magistrate (also see Chapter 13, Article V for exclusion of  
47 fee reductions resulting from certain violations involving Short-Term Rentals):

48

49           (1) The property in question must be in total code compliance and an affidavit of  
50 compliance must be issued for the code compliance case that is being appealed.

51

52           (2) The subject property must be free of all outstanding debts (including taxes) due the  
53 city.

54           (3) An application fee of two hundred dollars (\$200.00) must be included for the  
55 application to be processed.

56

57           (4) This section does not apply to lien waivers or reductions sought in conjunction with  
58 redevelopment of commercial and residential properties pursuant to the provisions of  
59 Section 2-93 of this Chapter.

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61           ...

62

63           **Sec. 2-91. Violations and penalties.**

64

65           (a) The following table of violations and penalties shall be assessed by code enforcement  
66 officers and shall be followed by the county court system as a special Magistrate pursuant to  
67 section 2-82 of this Code, in its review and adjudication of matters in accordance with this  
68 Article. The schedule of penalties set forth below is not intended to be all inclusive. The  
69 penalty for violation of other codes or ordinances of the city heretofore or hereafter created  
70 and not enumerated herein shall be enforced in the manner provided for therein.

71

72           ...

73

74           (e) See Chapter 13, Article V for the declaration of irreparable or irreversible actions and  
75 therefore application of the maximum fee of \$15,000 per violation resulting from certain  
76 violations involving Short-Term Rentals.

77           ...

78

79           **Section 3.** City of Boynton Beach’s Code of Ordinances, Chapter 13 “Licenses”, Article  
80 I, “Business Tax Receipts and Certificate of Use and Occupancy” is hereby amended as follows:

81   **CHAPTER 13. LICENSES**

82    ...

83   **ARTICLE I. BUSINESS TAX RECEIPTS AND CERTIFICATE OF USE AND OCCUPANCY**

84    ...

85   **Sec 13-4 Classification and fee schedule.**

86    ...

87    ~~Business Tax Receipts Procedure:~~

88    ~~—Every rental unit used for residential living purposes in the city must have a Certificate of~~  
89    ~~Use and Occupancy and unless otherwise exempt, must be issued a Business Tax Receipt.~~  
90    ~~This includes rental property four units or less, including single family residential rentals,~~  
91    ~~condominiums, and mobile homes.~~

92    ~~—Business Tax Receipts are issued for a period of twelve months, from October 1st to the~~  
93    ~~following September 30th. They must be renewed annually. To avoid renewal late fees, rental~~  
94    ~~Business Tax Receipt fees are payable by October 1st. After January 30th, late renewals~~  
95    ~~require a Code Compliance (interior and exterior) inspection of the property.~~

96    ~~—Whenever a rental property is sold or otherwise changes ownership, the new owner must~~  
97    ~~do the following:~~

98    ~~—(1) Apply for a new Certificate of Use and Occupancy and rental Business Tax Receipt;~~

99    ~~—(2) Schedule an inspection of the rental with the Code Compliance Division.~~

100   ~~—If the inspection process should reveal Zoning, Building, Housing or Fire Code violations,~~  
101   ~~they must be corrected and a re-inspection made by the appropriate department. The owner~~  
102   ~~is given adequate time to correct any violations. All violations must be corrected before~~  
103   ~~occupancy will be approved.~~

104   ~~—Any property that has been found in violation by a code compliance board of the city~~  
105   ~~shall be required to be inspected after six (6) months from the date of the hearing, and again~~  
106   ~~at twelve (12) months after the date of the hearing in which the property was found to be in~~  
107   ~~violation.~~

108   ~~—The owner of a property that has been found to be in violation by a code compliance~~  
109   ~~board of the city shall be required to pay an inspection fee of seventy-five dollars (\$75.00) for~~  
110   ~~each of the inspections required. The required inspection fees shall be included as part of the~~  
111   ~~administrative costs assessed by the city and shall be included in any liens filed by the city.~~

112   ~~— NOTE: Fees may change from time to time by Ordinance of the City Commission. The~~  
113   ~~application for Certificate of Use and Occupancy and information forms for rental Business~~

114 Tax Receipts are available on line at the city's website and at the Development Services  
115 Division of City Hall, 100 East Boynton Beach Boulevard. It should be noted that post office  
116 boxes are not acceptable addresses for mailing purposes, and actual street addresses are  
117 required on the application.

118 — Designation of resident agent: No Certificate of Use and Occupancy and Business Tax  
119 Receipt shall be issued by the city for a rental dwelling located on a rental premises unless  
120 the applicant therefor designates in writing to the city the name, address, and local telephone  
121 number of the owner or resident agent to receive service of notice of violation of this Code.  
122 The owner may designate as his or her resident agent any natural person eighteen (18) years  
123 of age or older who is customarily present at a business location within the city for the  
124 purposes of transacting business, or who actually resides within the city. An owner may  
125 change his or her designation of a resident by notifying the city in writing of the name,  
126 address, and local telephone number of the person designated by the owner to replace the  
127 previous resident agent. Any notice of violation or legal process which has been delivered or  
128 served upon the previous resident agent prior to the receipt of the city of notice of change of  
129 the resident agent shall be deemed effective service. It shall be the sole responsibility of the  
130 owner to appoint a reliable resident agent and to inform the resident agent of his correct  
131 mailing address. Failure to do so shall be no defense to a violation of this Code. No owner  
132 shall designate as a resident agent any person who does not expressly comply with the  
133 provisions of this section.

134 — The owner or the resident agent shall be deemed to be the "violator" as the term is used  
135 in F. S. § 162.06(2). Service of notice of the resident agent shall be deemed service of notice  
136 of the owner, tenant and violator.

137 **Sec. 13-5. Provision for unlisted businesses or occupations.**

138 All businesses must obtain a Certificate of Use and Occupancy prior to operating within the  
139 city. The city may hereinafter classify and issue Business Tax Receipts for businesses or  
140 occupations not specifically listed herein. The city shall establish a classification for new  
141 businesses or occupations in accordance with the United States Standard Industrial  
142 Classification of Establishments (SIC). The Business Tax Receipt tax established by the city for  
143 any business not specifically listed herein shall be commensurate with the rate structure and  
144 classifications set forth in Sec. 13-4, and shall be established by resolution of the City  
145 Commission following application but prior to issuance of a Business Tax Receipt for the  
146 unclassified business.

147 **Sec. 13-6 Administrative remedy to challenge classification or fee.**

148 — (a) Any person may protest the classification or fee applicable to that person provided:

149 — (1) The person has made and filed an application for the issuance of a Certificate of Use  
150 and Occupancy and a Business Tax Receipt in accordance with the procedures set forth  
151 herein, and

- 152 —(2) The person has paid the application fee, inspection fee or re-inspection fee, when  
153 applicable, and
- 154 —(3) The person has received a Certificate of Use and Occupancy and paid the Business  
155 Tax Receipt fee requested by the city, and
- 156 —(4) The Business Tax Receipt has been issued.
- 157 —(b) A protest to a classification or fee shall be made in writing to the City Clerk within 30  
158 calendar days following issuance of the Business Tax Receipt. Failure to timely file a protest  
159 constitutes a waiver of protest and no further challenge may be made by that person until  
160 renewal of the Business Tax Receipt, in which case the right to protest shall be revived for an  
161 additional 30 days following issuance of a renewal Business Tax Receipt.
- 162 —(c) A protest, when timely filed, shall be processed as follows:
- 163 —(1) The City Clerk shall forward the protest to the City Manager.
- 164 —(2) The City Manager shall conduct a review of the protest and render a written report  
165 within 45 days of the filing of the protest. The City Manager shall consider any information  
166 submitted by the person filing the protest and any information submitted by the  
167 Development Services Division. The City Manager shall limit her report to an evaluation of  
168 whether the tax which is being protested is based on a reasonable classification and is  
169 uniform throughout the class.
- 170 —(3) The City Manager's report shall be filed with the City Clerk and submitted to the City  
171 Commission at the second meeting following filing of the report with the Clerk. A copy of the  
172 report shall be forwarded to person who filed the protest, along with a notice of the date on  
173 which the report is to be submitted to the City Commission.
- 174 —(4) The City Commission shall review the protest and the City Managers report and shall  
175 either grant or deny the protest. If the protest is granted the City Commission shall adjust the  
176 classification or fee in accordance with their findings and any tax previously paid by the  
177 protesting person, in excess of the adjusted tax, shall be refunded by the city.
- 178 —(5) A decision of the City Commission may be appealed to the Circuit Court of Palm  
179 Beach County, Florida. The Circuit Court review shall be de novo, and the burden of proof  
180 shall be on the person initiating the action.

181 **Sec. 13-76. Application and reapplication fees for Certificate of Use and Occupancy,**  
182 **inspections, and Business Tax Receipt; required for use of any property for commercial**  
183 **or industrial purposes or for residential dwelling rental housing.**

184 It shall be unlawful and a violation of the City Code for any person or entity, either directly or  
185 indirectly, to conduct or enter into a business, profession, or occupation, including the rental  
186 of real property, within the city without first obtaining a Certificate of Use and Occupancy and  
187 being issued a local business tax receipt by the city. Further, it is unlawful for a property  
188 owner to allow by lease, license, grant or other written or oral agreement, the use of any real

189 property for the operation of a business without a valid and current Certificate of Use and  
190 Occupancy including required inspection and Local Business Tax Receipt. Violation of this  
191 section is violation of the City Code punishable under Chapter 2, Article V of this Code.

192 (a) Prior to the issuance of a Business Tax Receipt, a person shall file an application for  
193 Certificate of Use and Occupancy with the eCity. The application shall be on a form  
194 prescribed by the eCity, and shall be filed together with such other documents as hereinafter  
195 set or as required by state law. The Business Tax Receipt portion of the form shall require  
196 disclosure of the Federal Identification Number or Social Security number of the person to be  
197 licensed.

198 (b) Each application for a Certificate of Use and Occupancy shall be accompanied by an  
199 application filing fee set by the City Commission by resolution, which shall cover the  
200 Certificate of Use and Occupancy review to be undertaken by city zoning, and building  
201 division staff. Inspections for environmental, Utilities, Code, Fire, and other departments, shall  
202 be determined by the proposed use, the applicant shall pay for such inspections at a rate set  
203 by the City Commission by resolution. In the event an application is denied due to failed  
204 inspections, the application may, upon payment of a re-inspection fee set by the City  
205 Commission by resolution, be reconsidered.

206 (c) Business Tax Receipts and Certificate of Use and Occupancy are issued for a period of  
207 twelve months, from October 1<sup>st</sup> to the following September 30<sup>th</sup>. They must be renewed  
208 annually with an annual renewal fee approved by the City Commission. To avoid renewal late  
209 fees, fees are payable by October 1<sup>st</sup>. After January 30<sup>th</sup>, late renewals require a Code  
210 Compliance (interior and exterior) inspection of the property. Also see Article V for additional  
211 inspection requirements. Certificate of Use and Occupancy renewable each year with an  
212 annual renewal fee set by the City Commission by resolution.

213 ~~(d) It shall be unlawful and a violation of the City Code for any person or entity, either~~  
214 ~~directly or indirectly, to conduct or enter into a business, profession, or occupation, including~~  
215 ~~the rental of real property, within the city without first obtaining a Certificate of Use and~~  
216 ~~Occupancy and being issued a local business tax receipt by the city.~~

217 (ed) If the real property that is to be used for the operation of a business is subject to  
218 unpaid city fines, fees or Code violation liens, the city shall not issue a Certificate of Use and  
219 Occupancy or conduct a use and occupancy inspection until such time as all liens, fines or  
220 fees on the property are fully paid, including interest due and any assessable costs and until  
221 all Code violations are brought into compliance.

222 (fe) Local Responsible Party (LRP) required.

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

228 (2) ~~The local responsible party~~LRP under this section must reside within Miami-Dade,  
229 Broward, Palm Beach, Martin or Indian River ~~St. Lucie County, except that the LRP for a Short-~~  
230 Term Rental must reside within Broward, Palm Beach or Martin County. The purpose of this  
231 more restrictive locational standard applicable to Short-Term Rentals is to ensure that the  
232 handling of matters requiring onsite presence of the LRP are attended to within  
233 approximately one (1) hour. The property owner may be the designated LRP if they meet the  
234 requirements of this Article.~~Any owner who resides outside of Florida either at the time of~~  
235 ~~applying for a Certificate Use and Occupancy or after having secured such certificate, shall~~  
236 ~~designate a local responsible party that complies with the City Code.~~

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

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

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

248 ~~—(g) It is unlawful for a property owner to allow by lease, license, grant or other written or~~  
249 ~~oral agreement, the use of any real property for the operation of a business without a valid~~  
250 ~~and current Certificate Use and Occupancy including required inspection and Local Business~~  
251 ~~Tax Receipt. Violation of this section is violation of the City Code punishable under Chapter 2,~~  
252 ~~Article V of this Code. (hf) Only one (1) Certificate of Use and Occupancy shall be issued for~~  
253 ~~each parcel of real property as described by the Palm Beach County Property Appraiser's~~  
254 ~~Office through the provision of a property control number. Certificate of Use and Occupancy~~  
255 ~~is not transferable.~~

256 (ig) All Certificate of Use and Occupancy applications are subject to inspection of the real  
257 property being used for the operation of the business by the ~~€~~City. The Certificate Use and  
258 Occupancy inspection charges shall be set by resolution of the ~~€~~City ~~€~~Commission. If the  
259 inspection process should reveal Zoning, Building, Housing or Fire Code violations, they must  
260 be corrected and a re-inspection made by the appropriate department. All violations must be  
261 corrected before approval of occupancy. If the owner of a dwelling does not reside at the  
262 dwelling, and the dwelling is occupied by anyone, including a relative of the owner of the  
263 dwelling, there is a presumption that the dwelling is being rented and must have a Certificate  
264 of Use and Occupancy and a ~~€~~Business ~~€~~Tax ~~€~~Receipt. This presumption may be rebutted by  
265 the owner of the dwelling applying for an exemption from the Certificate of Use and  
266 Occupancy and ~~€~~Business ~~€~~Tax ~~€~~Receipt. The exemption application shall include an affidavit  
267 ~~€~~from the owner that all persons residing at the dwelling are relatives of the owner and that

268 these relatives pay no rent or other consideration for the privilege of living at the dwelling  
269 and that the relatives provide no maintenance or other services in return for the right to live  
270 at the dwelling. ~~The application fee for the~~ An exemption application must be filed each year  
271 that the property is used in this manner shall be set by resolution of the city commission and  
272 must be obtained every year.

273 (h) A Short-Term Rental approved by the City to operate as a residential rental prior to  
274 the adoption of these regulations cannot be automatically renewed. A new application must  
275 be filed and be reviewed and processed in accordance with all applicable requirements of  
276 Article V as well as Article I of this Chapter.

277

278 **Sec. 13-67 Administrative remedy to challenge classification or fee.**

279 (a) Any person may protest the classification or fee applicable to that person provided:

280 (1) The person has filed an application for the issuance of a Certificate of Use and  
281 Occupancy and a Business Tax Receipt in accordance with the procedures set forth herein,  
282 and

283 (2) The person has paid the application fee, inspection fee or re-inspection fee, when  
284 applicable, and

285 (3) The person has received a Certificate of Use and Occupancy and paid the Business  
286 Tax Receipt fee requested by the city, and

287 (4) The Business Tax Receipt has been issued.

288 (b) A protest to a classification or fee shall be made in writing to the Development  
289 Department within 30 calendar days following issuance of the Business Tax Receipt. Failure to  
290 timely file a protest constitutes a waiver of protest and no further challenge may be made by  
291 that person until renewal of the Business Tax Receipt, in which case the right to protest shall  
292 be revived for an additional 30 days following issuance of a renewed Business Tax Receipt.

293 (c) A protest, when filed timely, shall be processed as follows:

294 (1) Staff shall conduct a review of the protest and render a written report within 45 days of  
295 the filing of the protest. Staff shall limit the report to an evaluation of whether the tax which  
296 is being protested is based on a reasonable classification and is uniform throughout the class.

297 (2) The staff report shall be forwarded to the City Commission at the second meeting  
298 following completion of the report. A copy of the report shall be forwarded to person who  
299 filed the protest, along with a notice of the date on which the report is to be heard by the  
300 City Commission.

301 (3) The City Commission shall either grant or deny the protest. If the protest is granted, the  
302 City Commission shall direct staff to adjust the classification or fee consistent with applicable  
303 state and local procedural requirements. Once the fee and/or classification are adjusted, and



304 any tax previously paid by the protesting person, in excess of the adjusted tax, shall be  
305 refunded by the city.

306 (4) A decision of the City Commission may be appealed to the Circuit Court of Palm Beach  
307 County, Florida. The Circuit Court review shall be de novo, and the burden of proof shall be  
308 on the person initiating the action.

309 ...

310 Sec. 13-18. Right to deny issuance, renewal, transfer, revocation; right of appeal.

311 ...

312 (i) See Article V., Section 13-97 for suspension provisions, timeframes and restrictions.

313 ...

## 314 **ARTICLE V. RENTAL HOUSING**

### 315 **Section 13-92. Purpose.**

316 The Purpose of this Article is to establish specific processing requirements and standards  
317 applicable to the renting of residential properties. Such business activities are referred to as  
318 Standard Residential Rentals and Short-Term Rentals (also known as vacation rentals). The  
319 City Commission acknowledges the possible negative impacts of transitory uses of residential  
320 properties on the character of, and quality of living in the community. Therefore, it is  
321 necessary and in the interest of the public health, safety, and welfare to apply monitoring  
322 requirements, operational standards, and revocation and violation penalties appropriate to  
323 said uses to prevent and/or mitigate impacts created by such transitory uses of residential  
324 property. It is the intent and purpose of such requirements to preserve the quiet nature and  
325 atmosphere of residential areas as expected by the city's residents. It is unlawful for any  
326 owner and/or operator of any property within the City to rent or operate Rental Housing  
327 contrary to the procedures and regulations established or referenced in this Article as well  
328 as Article I.

### 329 **Section 13-93. Definitions.**

330 For the purposes of this Article, the following definitions shall apply:

331 **Standard Residential Rental.** Standard Residential units that are not rented for less  
332 than (30) days (or one (1) calendar month) for more than three (3) times in a calendar  
333 year. Such residential rentals are therefore not classified as Short-Term Rental as also  
334 defined and regulated by this Article. This typically represents the principal residence of  
335 the occupant(s).

336 **Short-Term Rental (STR).** A Short-Term Rental, also called a vacation rental and a Public  
337 Lodging Establishment in Florida Statutes, is any unit or group of units in a condominium or  
338 cooperative or any individually or collectively owned single-family, two-family, three-

339 family, or four-family dwelling unit or structure that is advertised and/or rented to transient  
340 occupants more than three (3) times in a calendar year for periods of less than thirty (30)  
341 days or one (1) calendar month.

342 ***Transient Occupant.*** Any person who rents or occupies any dwelling unit or any part  
343 thereof, as its temporary or secondary residence, that meets the definition of a Short-  
344 Term Rental Unit.

345  
346 ***Overnight.*** For the purposes of this subsection, "overnight" shall mean a period between  
347 10:00 p.m. and 7 a.m. the following day;  
348

349 **Section 13-94. Application for Standard Residential Rental and Short-Term Rental**  
350 **Approval and Renewal.**

351 No property owner, or responsible party shall offer as a Rental or allow any person to rent or  
352 occupy such properties, any property in whole or in part within the City, unless a Certificate of  
353 Use and Occupancy and Business Tax Receipt has been obtained in accordance with the  
354 procedures and requirements of Article I of this Chapter. If any conflict exists between the  
355 requirements in this Section and other sections in this Article or other articles and Chapters of  
356 the Land Development Regulations, the requirements of this Article shall prevail. This  
357 includes single-family dwellings (attached and detached), two-family dwellings, individual  
358 multi-family dwellings including condominiums, and mobile homes.

359 **The approval requirements are as follows:**

360 (a) Submittal of a complete and separate application for each unit subject to the  
361 requirements of this article;  
362

363 (b) Payment of non-refundable application fees for an STR as follows (see Section 13-  
364 4 of this chapter for other residential rental fees);

365 (1) Initial application fee (includes first City inspection): \$525.00

366 (2) Renewal application fee (includes first City inspection): \$325.00

367 (3) Reinspection fee: \$100.00  
368

369 (c) Submittal of an affidavit of compliance with all requirements herein endorsed by  
370 both the property owner and Local Responsible Party;  
371

372 (d) Annual renewal of the approval in accordance with the requirements of this  
373 Article and Article I, except that where a discrepancy exists in any procedural  
374 requirement, the requirements of this Article shall prevail;  
375

376 (e) Submittal of a detailed, neatly drawn and legible sketch of the rental property  
377 including floor plan and site plan indicating but not limited to number of and size of  
378 bedrooms, swimming pool and what represents the required safety barrier, storage  
379 areas for waste and any recreational vehicles, parking spaces marked on the drawing  
380 and measured to indicate compliance with minimum requirements;

381  
382 (f) A new application is required when any of the following changes are proposed  
383 to an approved application;

384 (1) A change in the gross square footage;

385 (2) A change in the number of bedrooms;

386 (3) A change in the maximum occupancy;

387 (4) A change in the number and/or location of parking spaces; and

388 (5) A change in ownership of the property.

389

390 Upon completion of the changes or alterations to the property the owner shall notify  
391 the city within ten (10) days of completion. A new Certificate of Use and  
392 Occupancy/Business Tax Receipt may be issued if the conditions of this Section have  
393 been met and all required permits have been issued for the changes or alterations.  
394 Additional fees may apply in accordance with Section 13-4 of this chapter.

395 (g) A STR approved by the City to operate as a residential rental prior to the adoption of  
396 these regulations cannot be automatically renewed. A new application must be filed  
397 and be reviewed and processed in accordance with all applicable requirements of this  
398 Article as well as Article I.

399

400 (f)(h) The application for an STR shall include a fully executed agreement with the City of  
401 Boynton Beach Police Department authorizing police officers to address trespassing  
402 matters on behalf of the property owner.

403

404 **Section 13-95. Technical and Operational Requirements and Restrictions Applicable to**  
405 **both Standard Residential Rentals and Short-Term Rentals.**

406 (a) Minimum Life/Safety Requirements:

407 (1) A swimming pool, spa or hot tub shall comply with the current standards of the  
408 Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes.

409 (2) All dwelling units shall meet the current minimum requirements of the Florida  
410 Building Code.

- 411           (3) A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be  
412           installed, inspected and maintained in accordance with NFPA 10 on each  
413           floor/level of the unit. The extinguisher(s) shall be installed on the wall in an  
414           open common area or in an enclosed space with appropriate markings visibly  
415           showing the location.
- 416
- 417           (b) At all times all automobiles shall be parked in an approved off-street parking space  
418           or driveway on the property. The parking of automobiles on a swale, lawn, landscape  
419           area, within the public right-of-way or sidewalk is prohibited. An exception for  
420           parking in the right-of-way will be made when spaces are marked for on-street  
421           parking. However, no parking in the right-of-way is permitted over-night. For a  
422           description of over-night hours, see subparagraph (b)(2) below.
- 423           (c) Solid waste handling and containment. Waste handling shall adhere to the  
424           requirements of Chapter 10, Article II, of the Code of Ordinances.
- 425           (d) To benefit the safety of, and maximize compliance with rules and standards by the  
426           tenants, the rental unit shall include a posting of these requirements clearly visible to  
427           the tenants.
- 428           (e) Whole unit rental required. Rentals shall be leased as a whole to a guest or guest  
429           party. In no event may an individual sleeping room be offered for rent. However,  
430           this standard would not prevent an owner who resides on the property from leasing  
431           a portion of the unit, or from leasing additional units that are approved or  
432           recognized as pre-existing on the property (e.g. an accessory dwelling unit).
- 433           (f) Noise. All registered guests and other occupants shall abide by noise standards in  
434           Chapter 15, Article I, which are intended to prevent, prohibit and provide for the  
435           abatement of excessive and unnecessary noise that may injure the health or welfare  
436           or degrade the quality of life of the citizens and residents of the City.
- 437           (g) Rental property must be maintained in compliance with all applicable standards  
438           contained within the Code of Ordinances and the Land Development Code of the  
439           City.
- 440           (h) It is unlawful for Rental Housing to be occupied by a sexual offender or sexual  
441           predator if so determined pursuant to Chapter 15, Article X of the Code of  
442           Ordinances.
- 443           (i) It shall be unlawful for any person to obtain a Business Tax Receipt for another  
444           business while the property is approved for any unit subject to this Article. Therefore,  
445           no one shall engage in any commercial or non-residential activity at a rental. Such  
446           commercial and/or non-residential activities are generally described as the

447 manufacturing, storing, distribution, or repair of merchandise; allowing employees,  
448 clients, or customers on the premises for the purpose of engaging in activities as  
449 clients or customers; use of the property address to advertise the premises other  
450 than for its intended use as rental housing; posting or displaying signs on the  
451 premises which indicate the premises are being used for a use other than its  
452 intended use as rental housing; and using the property in any way that would be  
453 recognized from the street or abutting properties as a deviation of its intended  
454 residential use.

455 (j) There shall be posted at a prominent location near the entrance to the unit the  
456 following information:

457 (1) The property address;

458 (2) Contact information for Local Responsible Party include name, address, phone  
459 number, and email address;

460 (3) The maximum occupancy of the unit, differentiating between registered guests  
461 and visitors;

462 (4) The maximum number of approved vehicles, and a copy of the detail site plan  
463 showing approved parking spaces for vehicles;

464 (5) Rules applicable to waste management, including garbage and trash containers  
465 to be used, requirements for storage and screening, and the periods of time  
466 containers can be kept curbside;

467 (6) The location of the nearest hospital and police station including the 911  
468 emergency number and non-emergency number;

469 (7) A legible copy of the rental Business Tax Receipt and Certificate of Use &  
470 Occupancy; and

471 (8) A legible copy of this Chapter.

472

473 **Section 13-96. Technical and Operational Requirements and Restrictions Only**  
474 **Applicable to Short-Term Rentals.**

475

476 (a) Maximum occupancy:

477 (1) Overnight occupancy at any rental unit shall be limited to two (2) persons per  
478 sleeping room plus two persons, up to a maximum of ten (10) persons in a unit,  
479 and maintain compliance with the occupancy limitations located within Chapter  
480 10, Article IX, Section 10-57. The number of sleeping rooms, minimum size of

481 sleeping rooms and/or maximum guests will be confirmed by a City inspector;  
482 (2) The maximum number of individuals allowed to gather at a STR shall not exceed  
483 one and one-half (1 ½) times the maximum occupants registered at the  
484 property, as shown on the Certificate of Use and Occupancy, and in no event  
485 shall a gathering exceed 15 persons, regardless of the number of bedrooms;  
486 (3) The tabulation of maximum occupancy limits in this subsection shall exclude a  
487 maximum of four (4) persons under the age of 10;  
488 (4) When any registered guest at a STR is under the age of 21, there must be  
489 present at all times a registered guest at least 25 years old; and  
490 (b) Emergency lighting. Hard wired emergency lighting shall be installed at the primary  
491 ingress and egress of each inhabitable structure on the STR property.  
492 (c) Performance of Local Responsible Party. In addition to the requirements of Chapter  
493 13, Article I, the Local Responsible Party shall be responsible for ensuring  
494 compliance with all requirements and standards related to the Short-Term Rental, as  
495 well as the following:  
496 (1) Posting of the occupant information as required by this Article;  
497 (2) Receiving service of any violation of this Chapter;  
498 (3) Visiting the rental dwelling unit at least weekly to ensure continued compliance  
499 with at minimum, the property maintenance requirements of this Chapter and  
500 other applicable standards within the Code of Ordinances; and  
501 (4) Acting as the designated contact for responding to complaints made by  
502 neighbors against the rental tenants;  
503 (d) Advertising. Any advertising of the STR shall conform to information included in the  
504 Certificate of Use and Occupancy, particularly as this pertains to maximum  
505 occupancy. Reference to the approved Certificate of Use and Occupancy shall be  
506 included in all advertising. Additionally, the property owner or designated  
507 representative of the STR shall have a continuing obligation to provide to the City  
508 with all venues and websites in which the unit is listed.  
509 (e) Annual renewal of the STR requires the passing of a new inspection by City staff.  
510 (a)(f) A fully executed agreement with the City of Boynton Beach authorizing  
511 police officers to address trespass matters on behalf of the property owner.  
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515 **Section 13-97. Penalties, Offenses, and Suspension.**

516 The processing of violations against this Chapter is in accordance with Part II, Code of  
517 Ordinances, Chapter 2, Article V. However, based on the purpose statement within Section  
518 13-90, the following requirements applicable to Short-Term Rentals also apply, which will  
519 prevail if in conflict with Section 13-90 or other Chapters of the Code of Ordinances:

520 (a) Enforcement of the Code and Ordinances; Penalties.

521 (1) Any Certificate of Use and Occupancy requested or issued pursuant  
522 to this Section may be denied, revoked, or suspended by the Development  
523 Director or his/her designee upon the adjudication of a violation of this Section,  
524 any City ordinance, or state law by the responsible party, property owner or  
525 transient occupant attributable to the property for which the certificate of use  
526 is issued. Such denial, revocation or suspension is in addition to any penalty  
527 provided herein.

528 (b) Offenses/violations.

529 (1) Non-compliance with any provision of this Section shall constitute a violation of  
530 this Section.

531 (2) Separate violations. Each day a violation exists shall constitute a separate and  
532 distinct violation, except that violations regarding maximum occupancy, shall  
533 constitute a single violation for a rental period.

534 (c) Remedies/enforcement.

535 (1) The Community Standards Division will act in accordance with Chapter 2, Article  
536 V of the Code of Ordinances. However, any such fines imposed pursuant to  
537 this Section shall not be subject to reduction by the Special Magistrate.

538 (2) The City Commission of the City of Boynton Beach hereby declares maximum  
539 occupancy violations and nonresidential and commercial use of property  
540 violations of this Code to be irreparable or irreversible in nature and therefore,  
541 the Special Magistrate of the City of Boynton Beach shall have the authority  
542 to issue fines up to \$15,000 per violation.

543 (3) Additional remedies. Nothing contained herein shall prevent the City from  
544 seeking all other available remedies which may include, but not be limited to,  
545 suspension or revocation of a STR Certificate of Use and Occupancy/Business  
546 Tax Receipt, injunctive relief, liens and other civil and criminal penalties  
547 provided by law, as well as referral to other enforcing agencies.

548 (d) Suspension. In addition to any fines and any other remedies described herein or  
549 provided for by law, Development Director or his/her designee may suspend a STR  
550 Certificate of Use and Occupancy/Business Tax Receipt in accordance with the

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- following:
- (1) Suspension time frames (for violations occurring within 12 consecutive months):
- a. Upon a second violation of this Section – up to a period of thirty (30) calendar days.
  - b. Upon a third violation of this Section – up to a period of one hundred eighty (180) calendar days.
  - c. Upon a fourth violation of this Section – up to a period of three hundred sixty-five (365) calendar days.
  - d. For each additional violation of this Section – an additional thirty (30) calendar days (i.e. a total of 395 days).
  - e. A short-term rental Certificate of Use and Occupancy shall be subject to temporary suspension beginning five (5) working days after a citation or notice of violation is issued for a violation of the Florida Building Code, or Florida Fire Prevention Code. Such suspension shall remain in place until the STR is re-inspected and it is determined by the City that the violation no longer exists.
- (2) Suspension restrictions. A STR shall not be rented during any suspension period.
- a. The suspension shall begin immediately following notice of suspension, commencing either:
    - 1 at the end of the current rental lease period; or
    - 2 within thirty (30) calendar days, whichever date commences earlier, or as otherwise determined by the special magistrate.
  - b. Operation during any period of suspension shall be deemed a violation pursuant to this Section and shall be subject to daily fine, up to one thousand dollars (\$1,000.00) or to the maximum amount as otherwise provided in Florida Statutes for repeat violations, for each day that the rental operates during a period of violation.
  - c. An application for a renewal shall not be submitted during the period of suspension.
- (3) Appeal. All appeals of suspensions shall be to the Special Magistrate in



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accordance with Chapter 2, Article V of the Code of Ordinances.

(e) Revocation. A STR Certificate of Use and Occupancy/Business Tax Receipt may be revoked when more than two of the violations occur within 12 consecutive months that involve the maximum persons standards, the lack of presence of a supervising adult, or advertising/promoting the STR inconsistent with rules and standards of this Article. Revocation action can also be taken by the City for a single offense involving a felony or misdemeanor charge, if the action occurred on the subject property, and resulted in injury to an occupant or a visitor to the property, or involved a drug-related charge. All appeals of revocations shall be to the Special Magistrate in accordance with Chapter 2, Article V of the Code of Ordinances. The subject property is not eligible for STR approval for 12 months following the revocation action.

(f) Enforcement. The provisions of this Section shall be enforced as provided in Chapter 2, Article V of the Code of Ordinances.

601 **Section 4.** City of Boynton Beach’s Code of Ordinances, Chapter 13 “Licenses”, Article V,  
602 “Rental Dwelling Units shall be renumbered and renamed as follows:

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**ARTICLE VI. RESIDENTIAL NOTICE AND TENANT’S BILL OF RIGHTS**

**DIVISION 1. APPLICABILITY AND DEFINITIONS**

**Sec. 13-928. Title.**

...

**Sec. 13-939. Applicability.**

...

**Sec. 13-94100. Definitions.**

...

**DIVISION 2. RENTAL NOTICES**

**Sec. 13-95101. Required written notice of termination of monthly residential tenancy without specific duration.**

...

**Sec. 13-96102. Required written notice of rental payment increases for residential tenancies.**

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627 **DIVISION 3. TENANT' S BILL OF RIGHTS AND NOTICE OF LATE FEES**

628

629 **Sec. 13-97103. Tenant's Bill of Rights; Landlord Notice Requirements.**

630 ...

631

632 **Sec. 13-98104. Late Fee Notices; Landlord Requirements.**

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635 **DIVISION 4. ENFORCEMENT**

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637 **Sec. 13-99105. Enforcement.**

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639 **Section 5.** Each and every other provision of the City's Code of Ordinances not herein  
640 specifically amended, shall remain in full force and effect as originally adopted.

641 **Section 6.** All laws and ordinances applying to the City of Boynton Beach in conflict with  
642 any provisions of this ordinance are hereby repealed.

643 **Section 7.** Should any section or provision of this Ordinance or any portion thereof be  
644 declared by a court of competent jurisdiction to be invalid, such decision shall not affect the  
645 remainder of this Ordinance.

646 **Section 8.** Authority is hereby given to codify this Ordinance.

647 **Section 9.** This Ordinance shall become effective as of October 1, 2023.

648 FIRST READING this 6th day of June, 2023.

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SECOND, FINAL READING AND PASSAGE this 18th day of July, 2023.

CITY OF BOYNTON BEACH, FLORIDA

YES NO

Mayor – Ty Penserga

Vice Mayor – Thomas Turkin

Commissioner – Angela Cruz

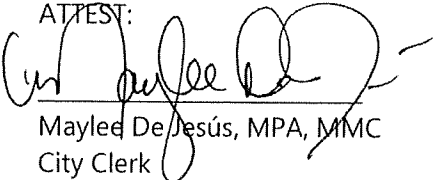
Commissioner – Woodrow L. Hay

Commissioner – Aimee Kelley

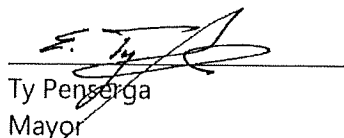
VOTE

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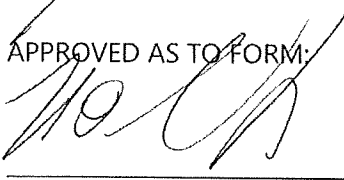


Maylee De Jesús, MPA, MMC  
City Clerk



Ty Penserga  
Mayor

APPROVED AS TO FORM:



Michael D. Cirullo, Jr.  
City Attorney

(Corporate Seal)

