

**ORDINANCE #2011-17**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA CREATING SECTION \_\_\_\_\_ OF THE CITY CODE ESTABLISHING REGULATIONS FOR VACATION RENTALS IN THE CITY OF DORAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council adopted Emergency Ordinance 2011-16 which regulates Short Term Rentals or Vacation Rentals; and

**WHEREAS**, that Emergency Ordinance expires sixty days after enactment; and

**WHEREAS**, the City Council wishes to reenact the Emergency Ordinance in order to establish permanent regulations regarding Vacation rentals

**WHEREAS**, limitations on the rental of single family, two-family, multi-family, and Townhouse dwellings serves a substantial governmental interest by preserving the character and integrity of residential neighborhoods; and

**WHEREAS**, the City Council recognizes that the unregulated rental of single-family, two-family, multifamily, and Townhouse dwelling units by seasonal residents uniquely impacts certain neighborhoods within the City; 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 to mitigate impacts created by such rental units within the City as set forth in this Article; and

**WHEREAS**, the City Council hereby finds this Ordinance necessary to protect the public welfare;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2. Code Amended.** That the Code of Ordinances, City of Doral, Florida, is hereby amended by adding a section, to be numbered \_\_\_\_\_, which said section reads as follows::

**Sec. \_\_\_\_\_ SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS, AND TOWNHOMES.**

**A. Definitions and Registration:**

1. Intent. The City recognizes that the unregulated rental of single family, two-family, multi-family, and Townhome dwelling units by seasonal residents uniquely impacts certain neighborhoods within the City. 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 to mitigate impacts created by such rental of such dwelling units within the City as set forth in this Section.
2. Definitions. For the purpose of this Section, 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.

“Owner” shall mean the person whom is vested with ownership, dominion, or title of property.

“Responsible Party” shall mean the owner or the person designated by the owner of the property to be called upon to answer for the maintenance of the property and the conduct and acts of seasonal residents of single family, two-family, multi-family, and/or Townhome dwelling units.

“Seasonal resident” shall mean guests, tourists, lessees, vacationers, or others who lease a single family, two-family, multi-family, and Townhouse dwelling unit for valuable consideration for a period of time not less than seven (7) days to no more than six (6) months.

“Short term rental” or “Vacation Rental” shall mean any occupancy of a single family, two-family, multi-family, and

Townhouse dwelling unit for a period of time not less than seven (7) days to no more than six (6) months provided however the terms of this short term rental ordinance shall not apply to film and print productions and use of the aforementioned premises for those purposes.

3. Registration Required. It shall be unlawful for any person to allow another person to occupy any single family, two-family, multi-family, and Townhouse dwelling unit as a seasonal resident within the City, or offer such rental services within the City, unless the person has been registered with the City in accordance with provisions of this Section. A registration is required for each rental period for which the single family, two-family, multi-family, and/or Townhouse dwelling unit is rented. No more than three (3) registrations shall be issued within a twelve (12) month period. Every person required to procure a registration under this Section shall submit a formal application to the City Manager or designee.
4. Rentals of single family, two-family, multi-family, and/or Townhouse dwelling units for a period of less than seven (7) days are prohibited in the City of Doral.
5. Application for Registration. Applications for registration shall set forth and/or include at a minimum:
  - a) Address, lot, block and subdivision name of single family, two-family, multifamily, and Townhouse dwelling unit offered for rental;
  - b) Name, address, and phone number of owner of said single family, two-family, multi-family, and/or Townhouse dwelling unit;
  - c) Name, address, and emergency contact phone number of responsible party for said single family, two-family, multi-family, and Townhouse dwelling unit, which shall be a twenty-four-hour, seven (7) days a week contact number;
  - d) That the phone number for the responsible party will be answered twenty-four (24) hours a day, seven (7) days a week by a party with authority to address or coordinate problems associated with the single family, two-family, multi-family, and Townhouse dwelling unit;
  - e) Acknowledgements by owner of the following:
    - i. That all vehicles must be parked in the driveway of the single family, two-family, multi-family, and Townhouse dwelling unit

and clear of all grassy areas and sidewalk sections pursuant to City Code of Ordinances;

- ii. That it shall be unlawful to allow or make any noise or sound which exceed the limits set forth in the City's Noise Ordinance;
- iii. That no garbage container shall be located at the curb for pickup before 12:00 PM of the day prior to pickup, and garbage container shall be removed before 11:59 PM of the day of pickup;
- iv. That whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance of a single family, two-family, multi-family, and Townhouse dwelling unit, or, having authorized, licensed, or invited is warned by the owner or lessee, to depart the unit and refuses to do so, commits the offense of trespass in a structure or conveyance;
- v. That no more than 2 people per available bed, with a maximum of eight (8) people, are allowed to spend the night in a short term rental on any given night;
- vi. That one (1) fire extinguisher per one thousand (1,000) square feet of indoor property must be provided in every short term rental;
- vii. That the property must be equipped with a fire sprinkler system inspected and approved by the Miami-Dade County Fire Department.
- f) Proof of owner's current ownership of the single family, two-family, multi-family, and Townhouse dwelling unit.
- g) Proof of owner's written notification to any Home Owner's Association which may have jurisdiction over the property.
- h) Issuance or Refusal of Registration. The City Manager or his designee shall issue a registration to the applicant upon proof of the following:
  - i. The owner and/or responsible party completes the City registration application form; and
  - ii. The registration fee has been paid to the City; and
  - iii. Incomplete registration applications are unacceptable and requested registration shall not issue.

- i) Registration not transferable. No registration 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.
  - j) Expiration of Registration. All registration issued under the provisions of this article shall be valid for the rental period requested in the application.
  - k) 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 City Manager or his designee.
- B. Fees for Registration. The City is authorized and shall charge a fee for registration to compensate for administrative expenses. The fees for registration shall be set forth in a resolution adopted by the City Council, and may be amended from time to time
- C. Resort Tax and Enforcement
- 1. Payment of Resort Tax required. Owners are subject to payment of the resort taxes as established by the laws of the City.
  - 2. Violations of this section:
    - a) are subject to the following fines. The special master may not waiver or reduce fines set by this ordinance.
      - i. First violation: \$500
      - ii. Second violation within the preceding twelve (12) months: \$1500
      - iii. third violation within the preceding twelve (12) months: \$ 5000
      - iv. Fourth or greater violation within the preceding twelve (12) months: \$ 7500
    - b) In addition to or in lieu of the foregoing, the City may seek injunctive relief
    - c) Any code compliance officer may issue notices for violations of this ordinance, as provided in this Code.

Section 3. Repeal of Conflicting Provisions. To the extent any provisions of the Code conflict with this Ordinance, those provisions are repealed in their entirety.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Doral, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Vice Mayor DiPietro who moved its adoption. The motion was seconded by Councilman Cabrera and upon being put to a vote, the vote was as follows

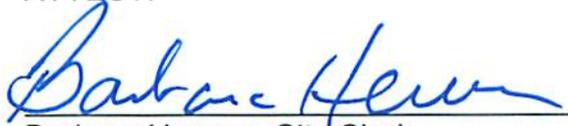
Mayor Juan Carlos Bermudez	Yes
Vice Mayor Michael DiPietro	Yes
Councilman Luigi Boria	Yes
Councilman Pete Cabrera	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED on FIRST READING this 8<sup>th</sup> day of June, 2011.

PASSED AND ADOPTED on SECOND READING this 6<sup>th</sup> day of July, 2011.

  
\_\_\_\_\_  
Juan Carlos Bermudez, Mayor

ATTEST:

  
\_\_\_\_\_  
Barbara Herrera, City Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
Jimmy L. Morales, City Attorney