

ORDINANCE 1632

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 8 OF THE CITY CODE OF ORDINANCES TO CREATE ARTICLE IX, ESTABLISHING CERTAIN REQUIREMENTS FOR TRANSIENT RESIDENTIAL RENTALS; PROVIDING FOR INSPECTIONS OF TRANSIENT RESIDENTIAL RENTALS CONSISTENT WITH CHAPTER 633 AND RULES ADOPTED BY THE STATE FIRE MARSHALL; PROVIDING FOR SEVERABILITY; SCRIVENER'S ERRORS; LIBERAL INTERPRETATION; MODIFICATIONS; INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Panama City Beach is responsible for adopting regulations designed to promote the public health, safety and general welfare of its residents and visitors;

WHEREAS, section 509.032(7), Florida Statutes, vests local governments with authority 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, to make them safer, more compatible with existing neighborhood regulations, and accountable for their proper operation;

WHEREAS, the City of Panama City Beach is the authority having jurisdiction for the purpose of enforcing the uniform safety rules for transient residential rentals adopted by the Florida State Fire Marshall within City limits;

WHEREAS, local authorities are required to conduct all fire safety inspections required by law;

WHEREAS, transient residential rentals are a high-hazard occupancy as defined in section 633.218, Florida Statutes, and should be inspected regularly;

WHEREAS, transient occupants are often unfamiliar with local hurricane evacuation plans, the location of fire extinguishers, and other similar safety measures that would be readily provided to guests in traditional lodging establishments;

WHEREAS, transient residential rental owners may live elsewhere and not experience the quality-of-life problems and negative impacts associated with larger, unregulated transient rental units on residential neighborhoods;

WHEREAS, site-specific rental standards, like compliance with ordinances such as noise, serve to maintain the decorum that exists among owners in established neighborhoods and are better assured by having these same standards conveyed to transient occupants during the duration of their rental;

WHEREAS, the establishment of minimum business practices, such as the provision of information to lessees and the designation of a local responsible party, ensures that the private property rights of the transient residential rental owner are balanced with the needs of the City to protect visitors and tourists and to preserve the general welfare through its limited regulatory power; and

WHEREAS, these regulations are deemed necessary by the City Council to protect the health, safety and general welfare of permanent residents, lot/parcel owners, investors, and transient occupants and visitors alike.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance, Chapter 8, Article IX of the City's Code of Ordinances relating to Vacation Rentals is created to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

Section 8-183. Vacation Rental Requirements.

(a) Definitions.

Transient public lodging establishment means 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 periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

Vacation rental or Transient Residential Rental means 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.

(b) Vacation Rental Certificate Requirement. It is unlawful for any person to offer for rent or allow another person to occupy any residential dwelling unit as a Vacation Rental within the City unless the person has been issued a Vacation Rental Certificate in accordance with the provisions of this section. Any property owner who owns a Vacation Rental must first apply for and receive a Vacation Rental Certificate from the City and shall renew the Certificate annually for as long as the unit is used as a Vacation Rental. Each dwelling unit must have its own Certificate. Initial applications after adoption of this section are due by December 31, 2023. Thereafter, complete renewal applications are due by October 1 of each year.

(c) Application for Vacation Rental Certificate. Applications for a Certificate shall be in the form promulgated by the City. In order to receive a Certificate, the owner must provide the following:

1. An affidavit of compliance in the form promulgated by the City which certifies:

- a. That the applicant has received a copy of, understands and will comply with the requirements set forth in subsection (g) below.**
- b. That the applicant acknowledges and agrees that the City shall have the right to inspect the premises to ensure compliance with the requirements in subsection (g) below.**
- c. That the applicant acknowledges and agrees to comply with the standards contained in subsection (g) below, and all other applicable local, state and federal laws, regulations or standards governing Vacation Rentals, including but not limited to Chapter 509, Florida Statutes, Rule 61C and 69A, Florida Administrative Code, and the NFPA 101 Life Safety Code as they may be amended from time to time.**
- d. The name and contact person of the rental responsible party as described in subsection (f).**

2. Evidence that the property is licensed as a Vacation Rental with the Florida Department of Business and Professional Regulation.

3. Evidence that the property has been issued a current merchant business tax license pursuant to Chapter 14 of this Code and is current on any local business tax returns and payments due to the City's Business License Department.

4. Evidence that the property is registered for Tourist Development Tax payments with the Bay County Clerk of Court.

5. Evidence that any pool located on the property is properly licensed and inspected.

6. Payment of an annual Certificate fee for each dwelling unit certified as a Vacation Rental in an amount to be determined by Resolution of the City to cover the cost of administration and enforcement of the Certificate program.

(d) Operating and Advertising Standard. Once the Certificate is issued, a Vacation Rental must be advertised, operated and maintained in accordance with the requirements of subsection (g) below, and must be recertified annually or, in the event of a change of ownership, recertified at the time of transfer.

(e) Inspections. Interior inspections of Vacation Rentals shall be performed at the discretion of the Panama City Beach Fire Inspector.

1. If an inspection documents any violations, all violations must be corrected, and the property re-inspected within thirty (30) calendar days.

- 2. Follow up inspections or re-inspections shall be made by appointment with the rental responsible party and shall be subject to a fee determined by Resolution of the City Council.**
- 3. If the inspector has made an appointment with the rental responsible party to complete an inspection and the responsible party fails to admit the officer at the scheduled time the owner shall be charged a "no show" or "lock out" fee in an amount to be determined by Resolution of the City Council to cover the inspection expense incurred by the City and/or any entity authorized under section 633.118, Florida Statutes, to enforce the laws and rules of the State Fire Marshal.**
- 4. If an inspector is denied admittance by the rental responsible party or if an inspector fails in at least three (3) attempts to complete an initial or subsequent inspection of the rental unit, the inspector(s) shall provide notice of failure of inspection to the owner to the address provided in the existing Vacation Rental Certificate or the application for Vacation Rental Certificate. Failure to respond to a fourth attempt may result in suspension or revocation of the Vacation Rental Certificate.**
- 5. Inspections may be conducted by any person authorized under Florida Statutes to enforce the laws and rules of the State Fire Marshal for issues pertaining to life safety requirements. Such persons are defined in section 633.118, Florida Statutes, as follows: The City Fire Inspector and any Code Enforcement Officer pursuant to Chapter 25 of this Code are authorized to enforce this chapter and all rules prescribed by the State Fire Marshal.**

(f) Rental Responsible Party.

- 1. The purpose of the Rental Responsible Party is to respond to inspections as described in subsection (e) above as well as to non-routine complaints and other more immediate problems related to the rental of the property.**
- 2. The property owner may serve in this capacity or shall otherwise designate a locally available Rental Responsible Party to act on his behalf. Any person eighteen (18) years of age or older may be designated by the owner provided he can perform the duties listed in subparagraph 3 below.**
- 3. In addition to serving as the local emergency contact, the duties of the Rental Responsible Party are to:**
 - a. Be available by landline or mobile telephone at the listed phone number twenty-four (24) hours a day, seven (7) days a week and be capable of handling any issues arising from the rental use; and**

1. If necessary, be willing and able to come to the rental unit within one (1) hour following notification from an occupant, the owner, or the City to address issues related to the rental; and Be authorized to receive service of any legal notice on behalf of the owner for violations of this section; and

b. To otherwise monitor the rental unit at least once weekly to assure continued compliance with the requirements of this Article, including parking and trash requirements.

c. A property owner may change his or her designation of a responsible party; however, there shall only be one (1) responsible party for each Vacation Rental at any given time. If the responsible party is an individual, he or she is required to arrange for an alternate during times of unavailability. To change the designated responsible party, the property owner shall notify the City in writing via a completed form provided by the City.

d. Failure to respond to calls in a timely and appropriate manner on more than three occasions may result in suspension or revocation of the Vacation Rental Certificate.

(g) Vacation Rental Requirements. The property owner of any property used as a Vacation Rental shall comply with the following requirements:

1. Required posting of rental unit information. On the back of or next to the main entrance door or on the refrigerator, the following information shall be provided:

a. The address of the rental unit in case of emergency.

b. The name and phone number of the rental responsible party.

c. The maximum occupancy of the unit as listed on the Vacation Rental Certificate which shall be set pursuant to. Chapter 509, Florida Statutes, the Florida Administrative Code, and the NFPA 101 Life Safety Code as follows:

i. For one- and two-family dwellings licensed as public lodging establishments:150 square feet gross floor area per person

ii. All other Vacation Rentals: 200 square feet gross floor area per person for all other Vacation Rentals. The maximum occupancy for all other Vacation Rentals may be increased to 150 square feet per person if the City Fire Inspector determines that the Vacation Rental otherwise meet the egress and travel requirements of the NFPA 101 Life Safety Code and is otherwise in full compliance with this Chapter.

iii. Maximum occupancy calculations shall be rounded up to the nearest whole person.

requirements of state law, including those described in Rule 69A-43, Florida Administrative Code.

4. Advertisements. No Vacation Rental owner shall hold or cause to be held out for advertisement statements made, published, or disseminated, in oral, written, or printed form or otherwise, to or before the public, or any portion thereof, which are known, or through the exercise of reasonable care or investigation could or might have been ascertained, to be untrue, deceptive, false, or misleading in any respect, including, but not limited to, misrepresentations as to occupancy load, parking capacity, and restrictive covenants applicable to the rental.

 6. Posting of Certificate Number. The property owner shall ensure that the Vacation Rental Certificate Number is displayed for each listing that appears on a hosting platform or any other advertisement for the rental. A hosting platform means an internet-enabled application, mobile application or any other digital platform that is used to connect guests with Vacation Rental providers for the purpose of renting a Vacation Rental, and includes without limitation AirBNB, VRBO, Booking.com, Expedia, Vacasa, and Homestay.com.
- (h) Remedies/Enforcement. Violations of this section 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 key that responsible parties are responsive and responsible in the management of the property for compliance with this section. Code enforcement activities will be in accordance with Chapter 25 of this Code.
1. Warnings. A Notice of Violation warning shall be issued for correctable violations of this Ordinance and will have a reasonable correction/compliance period associated with it. This warning may include notice to the Department of Business and Professional Regulation, the Department of Revenue, the Bay County Clerk of Court and the Bay County Property Appraiser, as applicable. Non-compliance with a correction compliance period shall result in the issuance of a citation.

 2. Civil Penalties. Each violation shall constitute a separate correctible violation within the meaning of Chapter 25 of this Code of Ordinances punishable by a civil penalty in the amount specified below unless a different amount is specified in the section violated:
 - a. First violation: \$500.00.

b. Second Violation: \$1,000.00

c. Third and all subsequent violations: \$1,000, and the Vacation Rental Certificate may be revoked or suspended for a period of up to 12 months if the third or subsequent violation occurs within a 12 month period of the first violation. The financial penalty for the third and all subsequent violations shall be cumulative to any other penalty which may be provided by law.

d. The City may amend the civil penalties for violations of this Ordinance by Resolution of the City Council.

e. A violator who does not contest a civil penalty shall be entitled to a fifty percent (50%) reduction in the penalty amount upon payment directly to the City Clerk.

3. Additional Remedies. Nothing contained herein shall prevent the City from seeking all other available remedies which may include, but not be limited to, injunctive relief, liens and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies. A rental which does not comply with safety requirements shall be presumed to be unfit and unsafe and not fit for human occupancy until corrected.

SECTION 2. CONFLICT WITH OTHER ORDINANCES OR CODES. All Ordinances or parts of Ordinances of the Code of Ordinances of Panama City Beach, Florida, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 3. SEVERABILITY. If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction, the other provisions of this ordinance shall remain in full force and effect.

SECTION 4. SCRIVENER'S ERRORS. It is the intention of the City, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Panama City Beach, Florida, and to that end, the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section" or "article" or other appropriate designation. Additionally, corrections of typographical errors which do not affect

the intent of this Ordinance may be authorized by the City Attorney without public hearing, by filing a corrected or recodified copy with the City Clerk.

SECTION 5. ORDINANCE TO BE LIBERALLY CONSTRUED. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 6. MODIFICATIONS. It is the intent of the City that the provisions of this ordinance may be modified as a result of considerations that may arise during a public hearing. Such modifications shall be incorporated into the final version of the ordinance adopted by the City.

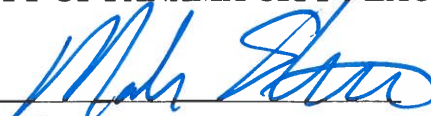
SECTION 7. CODIFICATION. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code of Ordinances, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 28th day of September, 2023.

CITY OF PANAMA CITY BEACH

By:



Mark Sheldon, Mayor

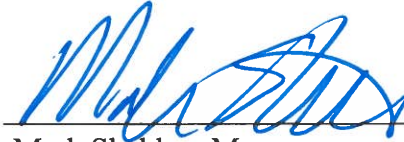
ATTEST:



Lynne Fasone, City Clerk

EXAMINED AND APPROVED by me this 28th day of September, 2023.

By:



Mark Sheldon, Mayor

Published in the News Herald on the 14th day of September, 2023.

Published on www.pcbfl.gov on the 15th day of September, 2023.