

**COUNTY DEPARTMENT
SUBMISSION FORM
BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA**

Requested Meeting Date:
October 26, 2010

Meeting Location:
SWA Courthouse

Submission Deadline:
October 19, 2010

County Department: Office of the County Attorney **Contact Person:** Lynn M. Hoshihara

TOPIC:

Short-term rental ordinance

REQUESTED ACTION:

To schedule a public hearing to discuss the proposed Short-term Rental Ordinance.

SUMMARY EXPLANATION OR HISTORY:

MATERIAL/EXHIBITS ATTACHED:

ADMINISTRATION CONTACT INFORMATION:

Name: Dede Hinote, Executive Assistant

Phone: 850-892-8155

Fax: 850-892-8454

Email: hindedede@co.walton.fl.us

Address: PO Box 1355, DeFuniak Springs, FL 32435

Dede Hinote

From: Lynn Hoshihara
Sent: Friday, October 15, 2010 3:10 PM
To: Scott Brannon; Kenneth Pridgen; Larry Jones; Sara Comander; Cecilia Jones
Cc: Lyle Seigler; Dawn Moliterno; Gerry Demers; Jennifer Christensen; Crissie Singletary
Subject: Proposed Short-term Rental Ordinance

Attachments: DRAFT short-term rental ordinance 10-15-10.doc



DRAFT short-term
rental ordina...

Please find attached the proposed Short-term Rental Ordinance for your review. At the October 26th BCC meeting, I will request that the Board schedule a public hearing to consider this ordinance. Should you have any questions or comments, please feel free to contact me.

Have a great weekend!

Lynn

Lynn M. Hoshihara, Esq.
Interim County Attorney
Office of the County Attorney
161 East Sloss Avenue
DeFuniak Springs, Florida 32433
Phone: (850) 892-8110
Fax: (850) 892-8471

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ORDINANCE 2010-__

AN ORDINANCE OF WALTON COUNTY, FLORIDA;
ESTABLISHING REGULATIONS AND PERMITTING
REQUIREMENTS FOR SHORT-TERM RENTALS OF SINGLE-
FAMILY DETACHED RESIDENTIAL DWELLING UNITS;
PROVIDING FOR AUTHORITY, PURPOSE, DEFINITIONS;
PROVIDING FOR REGISTRATION AND APPLICATION
REQUIREMENTS; PROVIDING FOR PENALTIES, JUDICIAL
CONSTRUCTION, SEVERABILITY, AND AN EFFECTIVE
DATE.

WHEREAS, the Board of County Commissioners of Walton County, Florida (“Board”) is concerned with the potential harmful affects short-term rentals of single-family detached residential dwelling units have on the health, safety, and general welfare of the residents of Walton County; and

WHEREAS, there is an interest in protecting the quality of life of the residents and value of property in Walton County; and

WHEREAS, the Board finds it is in the best interests of the health, safety, and welfare of the people of Walton County to establish reasonable regulations and permitting requirements for short-term rentals of single-family detached residential dwelling units.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Walton County, Florida that:

Section 1. Authority. Section 125.01, Florida Statutes, and the State Constitution authorize the enactment of this ordinance.

Section 2. Purpose. The Board recognizes that the unregulated short-term rental of single-family detached residential dwelling units by seasonal residents uniquely impacts certain neighborhoods within the unincorporated areas of Walton County. Therefore, it is necessary to provide reasonable means for citizens of Walton County to mitigate impacts created by such rentals as set forth in this ordinance.

Section 3. Definitions. For the purpose of this Ordinance, certain words and phrases used herein are defined as follows:

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

Responsible party shall mean the property owner or his/her designee to be called upon to answer for the maintenance of the property and the conduct and acts of seasonal residents of the subject property.

Seasonal resident shall mean guests, tourists, lessees, vacationers, or others who lease or rent a residential property for valuable consideration for a period of time between one (1) day to no more than six (6) months.

Short-term rental shall mean any occupancy of single-family detached residential dwelling units for a period of time between one (1) day to no more than six (6) months.

Section 4. Registration required. It shall be unlawful for any person to allow another person to occupy any single-family detached residential dwelling unit as a seasonal resident within the County, or offer such rental services within the County, unless the person has been registered with the County in accordance with the provisions of this ordinance.

Section 5. Application required. Every person required to procure a registration under the provisions of this ordinance shall submit a form application for such registration to the County. Applications for registration shall set forth and/or include at a minimum:

1. Physical address, including lot, block, and subdivision name, of the single-family detached residential dwelling unit offered for rental.
2. Name, address, and phone number of owner of the single-family detached residential dwelling unit.
3. Name, address, and 24-hour emergency contact phone number of responsible party for the single-family detached residential dwelling unit.
4. The phone number for the responsible party shall be answered 24 hours a day, 7 days a week by a party with the authority to address or coordinate problems associated with the single-family detached residential dwelling unit.
5. Acknowledgements by owner of the following:
 - a. That all vehicles must be parked in the driveway of the single-family detached residential dwelling unit and clear of all county right-of-way.
 - b. That it shall be unlawful to allow or make any noise or sound which exceed the limits set forth in _____.
 - c. That a sign will be posted and maintained on the single-family detached residential dwelling unit in accordance with _____.
 - d. That other properties (not owned by the owner) are not jointly shared commodities and should not be considered available for public use.
6. Proof of owner's current ownership of single-family detached residential dwelling unit.

Section 6. Registration are non-transferable. No registration issued under this ordinance 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.

Section 7. Expiration of registration. All registrations issued under this ordinance shall be valid for no more than one (1) year, and all registrations shall expire on March 1 of each year.

Section 8. Responsible party required. The owner shall appoint a person to serve as the local responsible party for service of notices as are specified herein, and notices given to the responsible party shall be sufficient to satisfy any requirement of notice to the owner. The owner

shall notify the County Administrator or his designee in writing of the appointment within five (5) days of being required to make such appointment, and shall thereafter notify the County Administrator or his designee of any change of responsible party within fifteen (15) days of such change. Further, it is hereby made the affirmative duty of the responsible party to:

1. Inform all seasonal residents prior to occupancy of applicable Walton County codes and ordinances concerning noise, parking, garbage, and common area usage;
2. See that the provisions of this ordinance are complied with and promptly address any violations of this ordinance or any violations of law, which may come to the attention of the responsible party;
3. Be available with authority to address or coordinate problems with the rental of the single-family detached dwelling unit twenty-four (24) hours a day, seven (7) days a week;
4. Be situated close enough to the single-family detached dwelling unit as to service emergency calls within one (1) hour of notification; and
5. Keep available a register of all guests, which shall be open to inspection by Walton County Code Enforcement Officers at all times.

Section 9. False information. It shall be a violation of this ordinance for any person to give any false or misleading information in connection with the application for registration required under this ordinance.

Section 10. Revocation. Any registration issued pursuant to this ordinance may be denied, revoked, or suspended by the County for any violation of this ordinance, any other County ordinance, regulation, code, or state law. Such denial, revocation, or suspension is in addition to any penalty provided herein.

Section 11. Posting of sign. Prior to the owner allowing another person to occupy the single-family detached dwelling unit as a seasonal resident, owner shall post a sign on the property meeting the following requirements:

1. The sign must be prominently placed on the property so that the required content of the sign shall be legible as viewed from the public right-of-way;
2. Such sign shall not be larger than eighteen (18) inches by twelve (12) inches and not smaller than sixteen (16) inches by ten (10) inches in size;
3. The sign must clearly indicate the name, and twenty-four (24) hours a day, seven (7) days a week emergency contact phone number of the responsible party for the single-family detached dwelling unit. If the responsible party phone number and rental contact phone number are different, the sign shall clearly indicate both phone numbers;
4. The sign must be continuously on the property of the single-family detached dwelling unit during any period the registration has not expired; and
5. The sign must clearly indicate the expiration date of the registration.

Section 12. Penalty for Violation. In addition to any and all additional remedies available at law, any owner violating any provision of this ordinance may be directed to:

1. Cease and desist such violation;

2. Upon a finding of a violation of this ordinance, pay a civil penalty not less than \$250.00 for first offense and \$500 for repeat violations;
3. Every day a violation continues shall constitute a separate and distinct offense.

Section 13. Judicial Construction. NO provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from.

Section 14. Severability. Should any word, phrase, sentence, or section of this ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then such shall be severed from this ordinance and the remainder of the ordinance shall remain in full force and effect.

Section 15. Effective Date. This ordinance shall take effect as provided by law.

Adopted by the Board of County Commissioners of Walton County, Florida, at a duly advertised public hearing, this _____ day of _____ 2010.

BOARD OF COUNTY COMMISSIONERS
OF WALTON COUNTY, FLORIDA

By: _____
Scott Brannon, Chair

ATTEST:

Martha Ingle, Clerk of Court