



Inst. # 3105055
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Carolyn Trimmann
Clerk of the Circuit Court & Comptroller
Martin County, FL
Rec Fees: \$95.00

ORDINANCE NO. 402

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING CHAPTER 6 OF THE JUPITER ISLAND CODE OF ORDINANCES, ENTITLED "LICENSES AND BUSINESS REGULATIONS" TO CREATE A NEW ARTICLE V ENTITLED "SHORT-TERM AND VACATION RENTALS"; PROVIDING FOR REGULATIONS PERTAINING TO SHORT-TERM OR VACATION RENTALS OPERATING WITHIN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, prior to 2011, municipalities in Florida were free to regulate local land use issues pertaining to vacation or short-term rental properties under the Home Rule authority granted by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, in 2011, the Florida Legislature enacted Chapter 2011-119 Laws of Florida, preempting the local regulation of a specific land use known as short-term or vacation rentals, preventing municipalities from enacting new regulations necessary to address any consequential or negative impacts caused by vacation rentals; and

WHEREAS, in 2014, the Florida Legislature enacted Chapter 2014-71, Laws of Florida, rescinding the complete preemption of the regulation of short-term or vacation rentals, and specifically mandating that local laws, ordinances or regulations could not prohibit vacation rentals or regulate the duration or frequency of vacation rentals; and

WHEREAS, Chapter 2014-71, Laws of Florida, returned some local control back to municipalities to mitigate the effects of short-term or vacation rentals to make them safer and more compatible with existing neighborhood regulations and to hold operators of such properties accountable for their proper operation; and

WHEREAS, the occupants of vacation rentals, due to the transient nature of such occupancy, may be unfamiliar with local hurricane evacuation plans, the location of fire extinguishers, exit routes, pool and home safety features, and other similar safety measures that would ordinarily be provided to guests in traditional lodging establishments (i.e., hotels and motels); and

WHEREAS, when unregulated, there is the potential that occupants of short-term or vacation rentals located within established neighborhoods may disturb the quiet enjoyment of the neighborhood and create secondary impacts, including noise, traffic, parking and a greater demand for public services; and

WHEREAS, traditional short-term lodging establishments are typically restricted to commercial and other non-residentially zoned areas of a community where the intensity of these uses can be separated from single family and other residential uses; and

WHEREAS, the Town Commission desires to adopt standards both to provide for the safety and welfare of occupants of short-term or vacation rentals and to minimize, to the extent possible, the negative impacts caused by short-term or vacation rentals in the Town's single family residential neighborhoods throughout the Town; and

WHEREAS, by the enactment of these regulations, the Town Commission seeks to ensure, to the extent possible, that any property owner in the Town that chooses to operate a short-term or vacation rental is safely operating the property and that its operation conforms to the low intensity residential neighborhood character that exists within the Town; and

WHEREAS, by enacting these regulations, the Town Commission seeks to ensure, to the extent possible, that any property being operated as a short-term or vacation rental property does not detract from the property values of other properties in proximity to the short-term or vacation rental, or throughout the Town; and

WHEREAS, by enacting these regulations, the Town Commission seeks to maintain, to the extent possible, the compatibility of short-term or vacation rentals with neighboring residential properties and properties throughout the Town; and

WHEREAS, the Town Commission finds that the enactment of regulations applicable to short-term or vacation rentals is necessary to preserve the integrity of the Town's residential areas and neighborhoods and corresponding property values; and

WHEREAS, the Town Commission finds that the enactment of these regulations will further and protect the health, safety and general welfare of the Town's residents, property owners, and transient occupants of any short-term or vacation rental properties in the Town; and

WHEREAS, the Town Commission finds that these regulations are necessary to address potential life safety issues associated with the short-term or vacation rental of properties within the Town; and

WHEREAS, the Town Commission finds that these regulations are necessary to address the compatibility and secondary effects derived from the operation of short-term or vacation rentals in conformance with current state law; and

WHEREAS, the Town Commission finds that consistent with current state law, these regulations neither prohibit vacation rentals nor restrict the duration or frequency of short-term or vacation rentals and are otherwise consistent with state law.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, THAT:

Section 1: Chapter 6. Licenses and Business Regulations of the Code of Ordinances of the Town of Jupiter Island is hereby amended to create Article V to be entitled "Short-Term and Vacation Rentals" to read as follows:

ARTICLE V. VACATION RENTALS

Sec. 6.72. Vacation or Short-Term Rental defined: permit required.

A short-term or vacation rental is hereby defined as residence or dwelling unit that is used, whether part-time or full-time for transient public lodging establishment but that is not a timeshare project. A transient public lodging, which is rented out to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place that can be rented to guests or tenants of the property owner for periods of less than 30 days or one calendar month whichever is less. It shall be unlawful for any person or entity to operate a short-term or vacation rental or offer such property for rent as a short-term or vacation rental within the Town, unless the owner of the property has registered such property with the Town and obtained a permit in accordance with the requirements of this Article. Separate permits are required for each individual rental unit. All rental permits shall be renewed annually and shall be considered delinquent if not renewed by September 30 of each year. Vacation or Short-Term Rental Permits are separate and distinct requirements that must be obtained in addition to any other applicable business tax receipts and certificates of use.

Sec. 6.73. Vacation rental permit application.

The owner or operator of a property available for rent as a short-term or vacation rental property shall register with the Town by submitting to the Building Department a completed application in a form promulgated by the Town, together with the payment of registration and inspection fees in amounts established by the Town, which amounts may be amended from time to time at the Town's discretion.

Permit application. A complete permit application form shall include the following:

- a. Property card printout from the Martin County property appraiser database;
- b. Current transient public lodging establishment license issued by the Florida Department of Business and Professional Regulation;
- c. Current certificate of registration with the Florida Department of Revenue for remittance of applicable state taxes or proof that payment is arranged through a third party such as an on-line platform;
- d. Current Martin County Business Tax Receipt;

- e. Evidence of the rental's current and active account with the Martin County Tax Collector for the purpose of collecting and remitting tourist development taxes and any other taxes required by law to be remitted to the Tax Collector;
 - f. The total number of individuals that can stay overnight at any one time is two per sleeping room, not to exceed 12;
 - g. The maximum number of individuals that may gather at or occupy the property at any one time is 12;
 - h. Floorplan of the structures on the property to be rented which include stairways, hallways, bedroom exits and which identifies all fire extinguisher locations;
 - i. Site survey which includes all residential units, any swimming pools, hot tubs, spas and fencing;
 - j. A copy of the lease agreement used;
 - k. A completed responsible party designation, in the format prescribed by the Town;
 - l. Proof that the vacation rental has satisfied the inspection requirements contained in this Code; and
 - m. A commercial Certificate of Insurance evidencing coverage to cover bodily injury and property damage liability for injury or harm to occupants and other invitees. With respect to the use of the property as a short-term or vacation rental with minimum limits of liability as follows:
 - i) Each Occurrence: \$1,000,000.00; and
 - ii) Policy Aggregate: \$2,000,000.00.
1. Modification of permit. An application for modification of a permit shall be required in the event that any of the following changes to the residential structures being rented are proposed:
 - a. An increase in gross square footage;
 - b. An increase in the number of bedrooms;
 - c. An increase in the maximum occupancy;
 - d. An increase in the number of parking spaces or a change in the location of parking spaces;
 - e. An increase in the number of bathrooms;
 - f. Any other material modifications that would increase the intensity of use on the rental property; or
 - g. A change in the designation of the responsible party.
 2. Duration of permit. A permit issued under this Article shall expire each September 30 and may be annually renewed thereafter provided the property is in compliance with this Article.
 3. Renewal of permit. The renewal of a permit shall be completed by September 30 of each year, through the execution of a renewal affidavit, in the format prescribed by the Town, and the payment of the renewal fee as established by the Town. A

property owner may apply for renewal of a permit after July 1 prior to the expiration of the annual license.

4. *Incomplete permit application/renewal.* If the permit application or renewal form submitted pursuant to this Article is incomplete the applicant shall be informed of such deficiency and shall have 10 calendar days to correct the deficiency. If any deficiency is not corrected, the permit application shall be deemed withdrawn.
5. *Outstanding code violations.* The Town shall not process any vacation rental registration or renewal if the property has any current code violations.
6. *Non-transferability and non-assignability of permit.* Permits issued under this Article are non-transferable and non-assignable. If the ownership of any property is sold or otherwise transferred, the new owner must obtain a new permit.
7. *Permit application or renewal fees.* The Town charges reasonable administrative fees to process a permit application or renewal. Fees are non-refundable.
8. *False or misleading information.* It shall be unlawful for any person to give false or misleading information in connection with any application for modification, or renewal of a permit as required by this article. Permit applications shall be notarized. Any false statements made in an application shall be a basis for the revocation of the permit issued pursuant to such application.

Sec. 6.74. Responsible party.

Any rental property permitted under this Article must designate a responsible party to respond to routine inspections as well as non-routine complaints and any other problems related to the rental operation. The property owner may serve in this capacity or shall otherwise designate another person 18 years or older to perform the following duties:

1. Be available by telephone at the listed phone number 24 hours per day, seven days per week and be capable of handling any issues relating to the operation of the rental;
2. If required, be able to return to the vacation rental within 60 minutes following notification from occupant of the rental property, law enforcement officer emergency personnel, or the Town to address any issues relating to the operation of the property;
3. Maintain for three years a record of all lease/rental agreements for the short-term or vacation rental property, and a record of all guests of the rental property. Both of these records shall be available for inspection upon request;
4. Receive service of any legal notice on behalf of the rental owners or operators for violation of the requirements set forth in this article; and
5. Conduct an on-site inspection of the rental property at the end of each rental period to ensure continued compliance with the requirements of this Article.

Sec. 6.75. Vacation rental standards.

No person or entity shall own or operate a vacation rental within the Town unless such vacation rental complies with the following standards:

1. Minimum life/safety requirements.

a. Swimming pool, spa and hot tub safety. A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act as set forth in F.S. ch. 515.

b. Smoke and carbon monoxide (CO) detection and notification systems. Each rental property must be outfitted with an operational smoke and carbon monoxide (CO) detection notification system. Every smoke and carbon monoxide (CO) detection notification system must be hard-wired or have a sealed ten-year battery. A smoke alarm shall be installed in each sleeping room. A carbon monoxide alarm shall be installed outside each sleeping room and adjacent to the garage door. All smoke and carbon monoxide alarms shall be interconnected.

c. Fire extinguisher. A portable, multi-purpose dry chemical 2A: 10B:C fire extinguisher shall be installed inspected and maintained in accordance with NEPA 1 on each floor/level of the residential unit and/or any accessory residential unit. The fire extinguishers shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.

d. Local telephone service. At least one land line telephone with the ability to call 911 shall be available in the main level common area of the property.

e. Secondary means of escape. Every sleeping room and living area shall have a secondary means of escape. It shall be a minimum of one (1) doorway or one window directly to the exterior. The window shall have a clear opening compliance with the following:

1. Clear width shall be no less than 20 inches;
2. Clear height shall be no less than 24 inches;
3. Opening shall be no less than 5.7 square feet; and
4. Opening shall be no more than 44 inches above the floor.

2. Solid waste handling and containment. Solid waste and recycling collection services shall be provided. For purposes of this section a solid waste or recycling container shall not be placed at curbside before the day prior to solid waste pickup and each solid waste or recycling container shall be removed from curbside before midnight of the day of pickup.

3. Short-Term or Vacation Rental lease agreement requirements.

- a. There shall be a written or online lease, or other recorded written agreement memorializing each rental tenancy between the owner/operator or its responsible party and the tenants. The agreement shall, at a minimum, contain the following information:
 1. The maximum number of occupants for the unit;
 2. The number of parking spaces associated with the property, and a sketch or photograph showing the location of each parking space;
 3. The names and ages of all tenants who will be occupying the property;
 4. The dates of such occupancy; and
 5. A statement that all tenants must evacuate from the property following any evacuation order issued by local, state, or federal authorities.
 - b. Submit a copy of any short-term or vacation rental lease or agreement from the owner/operator or responsible party at any time.
4. Posting requirements.
- a. The property which is the subject of a short term or vacation rental shall be posted with the following information next to the main entrance door:
 1. The name, address and telephone number of the responsible party;
 2. The maximum occupancy permitted;
 3. The days and times of solid waste and recycling pick up and a notification that all garbage or trash must be placed in a garbage or trash can or other approved solid waste receptacle and that all recyclables must be placed in approved recyclable containers;
 4. The location of the nearest hospital; and
 5. The location of all designated parking spaces/areas.
 - b. There shall also be posted next to the interior door of each bedroom, a building evacuation map (at least 8 ½ inches by 11 inches)

Sec. 6.76. Initial and subsequent compliance inspections of vacation rentals.

(a) Initial inspection. An initial inspection of the short-term or vacation rental by the Town public safety and/or Building Department personnel for compliance with this Article is required prior to the issuance of a permit. If a violation is determined to exist on the property, all violations must be corrected within the time specified by the Town, and the property or dwelling unit must be re-inspected prior to issuance of the vacation rental permit as provided herein.

(b) Subsequent inspections. Once a permit is issued the property shall be maintained in accordance with the standards herein and re-inspected thereafter annually. For an inspection, all violations must be corrected and re-inspected within 30 calendar days. Failure to correct such inspection deficiencies in the timeframes provided shall result in the suspension of the permit until such time as the violations are corrected and re-inspected.

(c) Inspection appointments. The responsible party shall schedule all inspections with the Town's inspector. If the Town inspector has made an appointment with the responsible party to complete an inspection, and the responsible party fails to admit the Town's inspector at the scheduled time, the owner shall be charged a "no show" fee in an amount established by the Town to cover the Town's inspection expense.

(d). Notice of failure of inspections. If the Town's inspector is denied admittance by the responsible party or if the inspector fails in at least three attempts to complete an initial or subsequent inspection to the property, the inspector shall provide notice of failure of inspection to the owner to the address shown on the issued permit.

(1). For an initial inspection the notice of failure of inspection results in the permit not being issued, the property shall not be operated as a short-term or vacation rental property until a valid permit has been obtained from the Town.

(2). For a subsequent inspection, the notice of failure of inspection is considered a violation and is subject to enforcement remedies as provided herein.

Sec. 6.77. Prohibitions; evidence of unlawful vacation rental operation.

a. It shall be unlawful for any person or entity to rent, lease, advertise or hold out for rent any property for short-term or vacation rental use without a permit.

b. Prima facie evidence of the operation of a short-term or vacation rental use of a property shall include but are not limited to:

1. Registration or licensing for short-term rental or vacation rental use by the state under F.S. chapters 212 (Florida Tax and Revenue Act) and 509 (Public Lodging and Food Service Establishments);

2. Advertising, listing, posting, or otherwise holding out any structures on a property for short term or vacation rental use on internet platforms, print, or any other mass communication medium;

3. Reservations, booking arrangements or more than one signed lease, sublease, assignment or any other agreement for compensation or other legal consideration addressing or overlapping any period of 30 days or less; or

4. The use of a real estate agent or other third person or agent to make reservations or booking arrangements.

c. Nothing set forth herein precludes the Town from presenting other forms of evidence of unlawful vacation rental use or operation.

Sec, 6,78. Administration of Short-Term or Vacation Rental Permits; criteria for denial, suspension, cancellation. or revocation of permits: appeals: enforcement.

a. Issuance or denial by the Town upon application. The Town may approve or deny a permit application/renewal in conjunction with the issuance of a notice of denial upon finding that one or more of the criteria at subsections b (1)-(5) of this section are not

met. In addition, the Town may impose reasonable conditions on the operation of the property as a short-term or vacation rental property as it deems necessary to protect the public health, safety and welfare.

b. *Specific criteria which may result in the denial, suspension, or revocation of a permit by the Town or Special Magistrate.* A permit may be denied, suspended, or revoked by the Town, or suspended or revoked by the Special Magistrate as further provided herein, when it is determined that:

1. A property owner through its application has misrepresented or failed to disclose material facts or information which is required to be included in the permit;
2. The same or substantially similar activities on the property during a 12-month period has been conducted in such a manner as to have violated any Town Code provisions or the provisions of this Article and/or any of the following determinations have been made by the Town:
 - a. The activity has become a public nuisance by code;
 - b. The activity constitutes a public nuisance at common law;
 - c. The activity violates the Town's regulations as set forth in Chapter 6 alcoholic beverages;
 - d. The activity is injurious to the public morals, safety, or general welfare or;
 - e. The property has been operated in such a manner as to injure the health, safety, or general welfare so as to disturb the quiet enjoyment of neighboring residents or the residents of the Town.
3. The issuance or renewal of the permit was contingent upon the owner's/applicant's compliance with specific conditions;
4. An owner has violated any provision of this Article and has failed or refused to cease or correct the violation after having been notified to do so by the Town or by an order of the Special Magistrate.

c. *Enforcement procedures.*

1. *First-time violations.* Upon determination by the Town that a property is being operated in a manner not consistent with the requirements of this Article, the Town shall notify the property owner of the of a violation and schedule a hearing before the Special Magistrate. The Special Magistrate's findings and order shall constitute the final administrative action of the Town for purposes of judicial review under state law.
2. *Subsequent violations, suspension.* Upon determination by the Special Magistrate that a property owner has committed a repeat violation of the provisions of this Article, then addition to any applicable fines, the Town may immediately suspend or revoke the permit that was issued.
4. *Fees.* No permit fees shall be refunded if a permit has been suspended, revoked or cancelled.

5. Additional remedies. Nothing contained herein shall prevent the Town from seeking all other available remedies which may include but not be limited to injunctive relief, the foreclosure of liens, and /or any other civil or criminal penalties as provided by law.

Section 2. Repeal of Ordinances in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability. If any court of competent jurisdiction holds any word, part, section, paragraph or provision hereof to be unlawful or unconstitutional, such ruling or finding shall not affect the remaining portions of this ordinance, which shall remain in full force and effect.

Section 4. Codification. This ordinance may be codified and made a part of the official Code of Ordinances of the Town of Jupiter Island.

Section 5. Effective Date. This ordinance shall become effective immediately upon execution.

(Continued on next page)

ORDINANCE NO. 402 PASSED UPON FIRST READING THE 6th DAY OF NOVEMBER, 2024.

PASSED AND ADOPTED UPON THE SECOND READING FOLLOWING PUBLIC HEARING THE 6th DAY OF DECEMBER, 2024.

(SEAL)

TOWN OF JUPITER ISLAND, FLORIDA



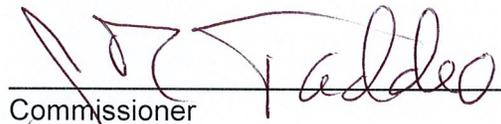
Mayor



Vice Mayor



Commissioner

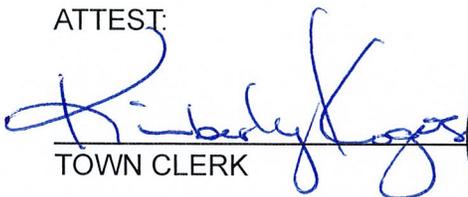


Commissioner



Commissioner

ATTEST:



TOWN CLERK



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