



NORTH BAY VILLAGE

Police Department
Code Enforcement
Division

November 4, 2021

SHORT TERM VACATION RENTALS

TOWN HALL





Please hold
your questions
until the end
of the
presentation.





SHORT TERM VACATION RENTALS

STVR BASICS



MUNICODE

Enter into the NBV website, on the Code Enforcement page click on “Code of Ordinances”

The objectives of the North Bay Village Police Department Code Enforcement Unit are to protect the health, safety, and welfare of all property owners, residents, businesses, and visitors within our Village Limits. To establish standards and ordinances which ensure positive effects on property value, community appearance and neighborhood pride and to stay at the forefront of creative and effective Code Enforcement.

Duties & Responsibilities

Code enforcement is an effective tool for education.

Adherence to the Code of Ordinances ensures that our Village ages gracefully.

As such, each and every citizen must be aware that they are fully responsible for the active maintenance of their property. Structures that are ill-maintained or neglected deteriorate. This devalues neighborhoods and encourages crime, contributing to blight in our community. As the Village ages, it becomes even more critical for property owners to be aware and comply with this code.

DO NOT IGNORE violation notices from the Code Enforcement Unit.

1. Find out how to correct the problem and do so promptly.
2. Time extensions will not be allowed on serious problems.
3. Remember to obtain any required permits to resolve your violation(s).

POTENTIAL CONSEQUENCES may ensue if you are unwilling to take the required action to correct the violation(s).

1. The Village can arrange for a lot to be cut and cleared. The cost is then billed to you.
2. If legal action becomes necessary, you will be served a notice to appear before a Special Magistrate.
3. You must explain your case and ultimately correct the violations. Very possibly, you may be ordered to pay fines, liens, and charges.

✉ orodriguez@nbvillage.com

📍 1666 Kennedy Causeway 3rd Floor
North Bay Village, FL 33141

☎ +1 305-756-7171

📠 +1 305-756-7722

Maria Tovar

Code Enforcement Officer

✉ mtovar@nbvillage.com

Links

📧 [Report a Code Violation](#)

🔗 [Code Enforcement Special Magistrate](#)

🔗 [Common Code Violations](#)

🔗 [Code of Ordinances](#)

🔗 [List of licensed Short Term Vacation Rental \(STVR\) Properties](#)

MUNICODE

Enter any key word (trash, boat, etc.) in the search bar, or the Code section (13.3, 8.17 etc.)

The screenshot shows the website for North Bay Village, FL. At the top left is the 'mc' logo and the text 'North Bay Village, FL'. To the right is a search bar labeled 'Search or jump to'. Further right are links for 'NOTIFICATIONS' and 'SIGN IN'. Below the header is a 'Publications' section. It contains two main cards: 'Code of Ordinances' and 'Unified Land Development Code'. Each card has a sub-section for 'Online content updated on' with dates (November 26, 2019 and October 10, 2019 respectively) and a blue 'BROWSE »' button. A large yellow arrow points from the left side of the page towards the search bar. Below the publications is a 'Documents' section with a message: 'This municipality does not host any other documents online.' At the bottom of the page, there is a location pin for '1666 Kennedy Causeway North Bay Village, FL 33141' and a link to 'www.nbvillage.com'.



MUNICODE

All results will populate that include the key word, or Code section being searched.

mc North Bay Village, FL

13.3

CODES **160** ORDINANCES **59** DOCUMENTS Relevance ▾

Products 160 results

- Unified Land Development Code **95**
- Code of Ordinances **65**

Content

- SUPPLEMENT HISTORY TABLE **1**
- Chapter 3 - DEFINITIONS **1**
- NORTH BAY VILLAGE, FLORIDA CHARTER **2**
- Chapter 5 - PERMITS AND DEVELOPMENT APPROVALS **1**
- Chapter 7 - VARIANCES **1**
- CHARTER DISPOSITION TABLE **1**
- Chapter 8 - ZONING **4**
- Chapter 9 - GENERAL SITE DESIGN STANDARDS **4**
- TITLE III: - ADMINISTRATION **11**
- Chapter 10 - FLOODPLAIN **78**

§ 13.3 - License required.
Unified Land Development Code / Chapter 13 - VACATION RENTAL LICENSE PROGRAM / DIVISION 2. - VACATION RENTAL LICENSE REQUIRED
evidence of offering a property for rent as a vacation rental in violation of subsection **13.3.A** and the advertising or advertisement is admissible in any enforcement proceeding

UNIFIED LAND DEVELOPMENT CODE COMPARATIVE TABLE ORDINANCES
Unified Land Development Code
3-13-18 3

§ 135.03 - Disturbing public meetings.
Code of Ordinances / TITLE XIII: - GENERAL OFFENSES / Chapter 135 - OFFENSES AGAINST PUBLIC PEACE AND SAFETY
Village. (1964 Code, §§ **13-3.1, 13-7(g)**; Ord. 232, passed 2-17-71) Cross reference—

REFERENCES TO 1964 CODE
Code of Ordinances
3-8 111.13(A)

§ 135.02 - Disorderly conduct.
Code of Ordinances / TITLE XIII: - GENERAL OFFENSES / Chapter 135 - OFFENSES AGAINST PUBLIC PEACE AND SAFETY
the peace. (1964 Code, §§ **13-3, 13-7(b)(i)**); Ord. 138, passed 6-4-58) Cross reference—

§ 13.19 - Penalties and enforcement.
Unified Land Development Code / Chapter 13 - VACATION RENTAL LICENSE PROGRAM / DIVISION 5. - ADMINISTRATION, PENALTIES, AND ENFORCEMENT



STVR: Florida Statutes

State law limits the Village's regulatory authority with respect to vacation rentals. Specifically, State law prevents local governments, such as the Village, from adopting local laws that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals

Section 509.032(7)(b), Florida Statutes: A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

STVR: Florida Statutes

The Village did not adopt an STVR ordinance prior to 2011 in order to prohibit vacation rentals and in light of the current status of state law, the Village cannot prohibit vacation rentals.

However, state law does not prevent the Village from adopting ordinances specific to vacation rentals to address areas of concern such as noise and life-safety issues created by vacation rentals in residential neighborhoods.

NBV STVR Ordinance

The original North Bay Village STVR ordinance was adopted under the Zoning code (Chapter 152). It was passed and enacted on second reading on April 12, 2016.

Over the years it was modified, ultimately leaving us with our current ordinance (Chapter 13) passed and enacted by the current Mayor and Commission on July 9, 2019.

SOME OF THE MAJOR CHANGES INCLUDE:

- Occupancy restrictions
- Elevated Penalties
- Distinction of Operating and Advertising
- Application Requirements (owner consent)

NBV STVR Ordinance

- § 13.3(B)- License required.
- The advertising or advertisement for the rental of an unlicensed single-family or multi-family house or dwelling unit, or of a residential condominium, apartment, or building dwelling unit located in a residential building or community that has not adopted rules regulating the use of transient public lodging establishments, for periods of time less than 30 days or one calendar month is direct evidence of offering a property for rent as a vacation rental in violation of subsection 13.3.A and the advertising or advertisement is admissible in any enforcement proceeding. The advertising or advertisement evidence raises rebuttable presumption that the residential property named in the notice of violation or any other report or as identified in the advertising or advertisement was used in violation of subsection 13.3.A.
- WARNING NOTICE
- FINE 1ST OFFENSE = \$1,000.00
- FINE 2ND OFFENSE = \$2,000.00
- FINE 3RD OFFENSE = \$5,000.00

NBV STVR Ordinance

SOME OTHER STVR REQUIREMENTS OUTLINED IN CHAPTER 13 INCLUDE:

- Properties are required to post the following information:
 - Statement advising unreasonably loud noise is unlawful and prohibited.
 - Maximum occupancy for the home (2) per room (10) max, regardless of total number of bedrooms in the home.
 - Days and Times of trash collection.
 - Sketch/map of the parking area.
 - Name, address, contact information for the STVR representative.
 - Location of the nearest hospital and the non emergency Police phone number.
 - Evacuation map.

NBV STVR Ordinance

SOME OTHER STVR REQUIREMENTS OUTLINED IN CHAPTER 13 CONTINUED:

- Penalties, Enforcement, and Duties:
 - Village Manager may refuse to issue or renew an STVR license after a second or subsequent offense of Chapter 13.
 - Vacation rental license can be suspended from (30) days to (12) months following violations of Chapter 13.
 - Vacation rental representative shall be available by landline or mobile telephone answered by the vacation rental representative at the listed phone number 24-hours a day, seven days a week to handle any problems arising from the Vacation Rental.
 - Vacation rental representative shall be willing and able to be physically present at the vacation rental within 60 minutes following notification of an emergency at the property.



NORTH BAY VILLAGE

STVR FAQs



STVR: FAQs

1. Why does the Village issue a warning notice for an STVR violation, instead of issuing an immediate citation?

Section 13.19(a): Any violation of this Chapter 13, or any rule adopted under this chapter, may be punished by citation, as specifically described in Chapter 153, Code Enforcement of the Code of Ordinances of North Bay Village, including but not limited to the requirements of a reasonable warning prior to issuance of a citation.

2. Is the Village giving maximum penalties for STVR violations allowed by law? **Yes.**

Section 162.09, Florida Statutes.

A fine imposed pursuant to this section shall not exceed \$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (1).

However, if a code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000 per violation.

3. Can the Village impose a (29) day minimum stay for STVR guests? **No.**

Section 509.032(7)(b), Florida Statutes indicates: A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals.

STVR: FAQ_s

4. Can the Village require all STVRS to be Owner-occupied rentals?

A transient public lodging establishment does not require the owner to live in the short term rental. See Section 509.013(4)(a)(1). Pending review.

5. Can the Village suspend licenses and/or revoke STVR licenses for (24) months, instead of (12) months?

There is no specific duration for a suspension period under the Florida Statutes; however, the duration of the suspension must be reasonable.

6. Instead of allowing (3) or (5) strikes in an STVR ordinance, can it be reduced to (1) strike will result in a revocation or denial of STVR license?

There is no specific strike amounts for a suspension period under the Florida Statutes; however, the duration of the suspension must be reasonable.

STVR: FAQs

7. Can the Village impose a (2) vehicle limit on STVR properties?

The STVR must comply with the applicable parking requirements as other homes within the same zoning district. However, regulations to limit parking specific for guests of Public lodging establishments may be authorized.

8. Can STVRs pay a “hotel operation” fee to fund private management, and security to not drain Village resources? **No.**

STVRs are not hotels by definition.

FS Section 509.242 (a): Hotel - A hotel is any public lodging establishment containing sleeping room accommodations for 25 or more guests and providing the services generally provided by a hotel and recognized as a hotel in the community in which it is situated or by the industry.

STVR fees are collected by the Village through the STVR license and BTR, every fiscal year.

STVR: FAQ_s

9. Can Village officials inspect (Stop and Frisk) STVR guests prior to their stay at a property?

No.

Section 13.9 (D) of the NBV Code indicates one of the duties of the vacation rental representative is to make available to the village at any time requested a registration log with all lease's contact information and permanent address.

10. Are we charging the maximum amount for STVR permits? **Yes.**

Municipal license fees need to be comparable to other cities and cannot be arbitrarily raised to an exorbitant amount solely based on the type of business.



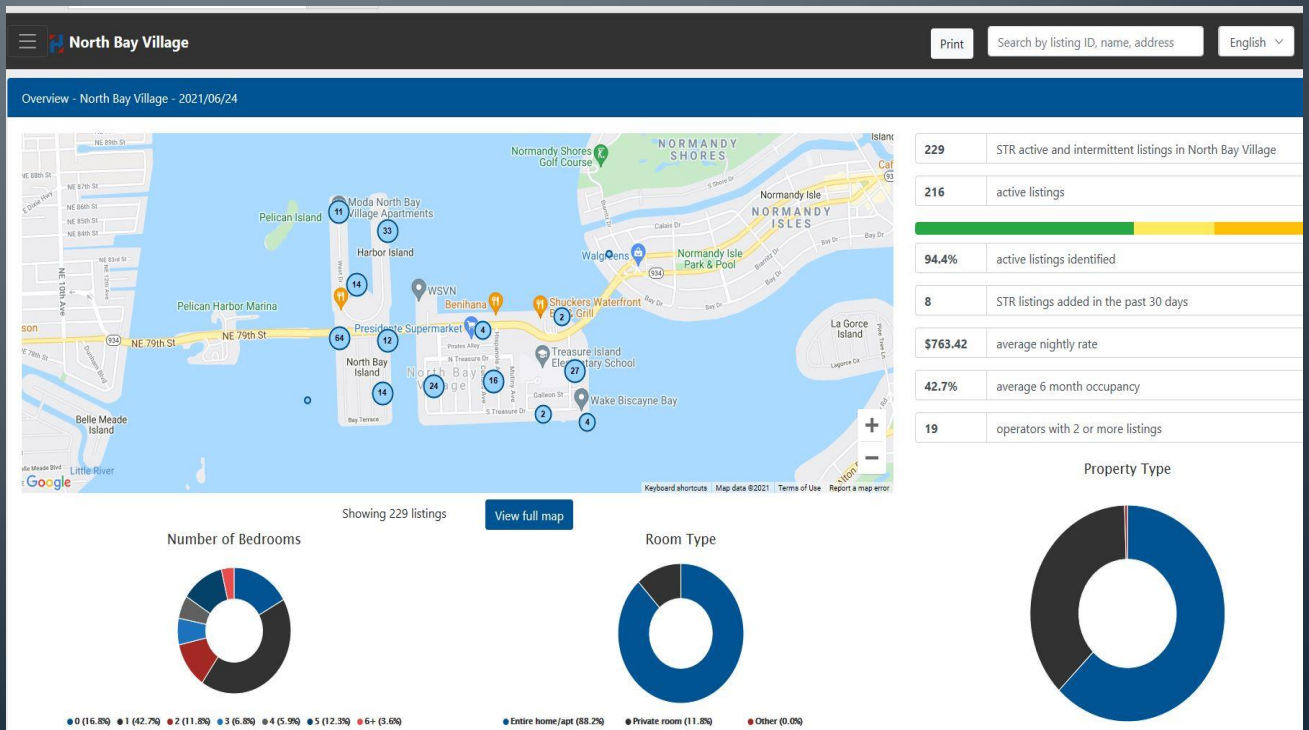
CURRENT STVR ENFORCEMENT PRACTICES



STVR Enforcement Program

SHORT TERM VACATION RENTAL ENFORCEMENT IS ONE OF THE TOP PRIORITIES FOR THE POLICE DEPARTMENT & CODE ENFORCEMENT DIVISION

Code Enforcement Division proactively searches for possible unlicensed short term rentals utilizing our detection software Harmari.



STVR Enforcement Program

IDENTIFYING ILLEGAL ADVERTISEMENTS

- **Some of the ads cannot be identified, therefore they are a challenge to enforce (mostly apartments).**
- **Ads are placed in our city, when in reality they are for a property in a neighboring city.**
- **Ads that reflect (30) days or more are in compliance with our code.**
- **Ads are frequently removed, and resurface with different photos/information.**

Active STVR Enforcement

POLICE DEPARTMENT & CODE ENFORCEMENT DIVISION ENFORCEMENT

- Drive-by checks are conducted every day/night on all STVR properties.
- Activity log is drafted indicating the amount of vehicles and patrons present at all STVRs by the Neighborhood Resource Officer 2-3 times per week.
- Inspections are conducted for trash/debris and overall exterior maintenance of all STVR properties.
- Shift reports are monitored to address any STVR issues with property managers.
- Police reports are written frequently for evening STVR related incidents.



- NEXT STEPS -

PROACTIVE
ENHANCED
ENFORCEMENT
PRACTICES



Enhanced STVR Enforcement

POLICE DEPARTMENT AND CODE ENFORCEMENT DIVISION IS COMMITTED TO GOING ABOVE AND BEYOND IN ADDRESSING RESIDENT STVR CONCERNS AND THEIR ENFORCEMENT.

AS A RESULT THE FOLLOWING NEW PROTOCOLS AND PRACTICES HAVE BEEN IMPLEMENTED.



Enhanced STVR Enforcement

- ✓ Existing list of all STVR properties has been updated to include the name of the responsible agent and their contact number.
- ✓ List will be updated frequently with any new STVR properties that obtain a license, and responsible agent contacts will be updated every fiscal year when licenses are renewed.
- ✓ Copies of the list will be maintained by Code and has been provided to all Police Officers and Dispatch personnel.
- ✓ New Code Division administrative assistant is being trained in using STVR software to proactively search for illegal operations.

Enhanced STVR Enforcement

- ✓ When a Police Officer is dispatched to an STVR property, and a violation is confirmed the Officer will be required to produce a written report describing the violation, and the action taken.
- ✓ In addition to the written report the Police Dispatch personnel on duty will be required to call the property agent on file to inform them of the violation. Additionally, Dispatch will contact all STVR complainants who reported an issue to inform them of the results of a complaint.
- ✓ Code Division will follow up the next day to issue any citations, and address concerns with the property agent.
- ✓ Citations will be tracked for the purposes of STVR license revocation or denials.
- ✓ Noise ordinance has been updated with elevated penalties. First offense is \$250, and any subsequent offense within the same (12) months is \$500.



- ACTION ITEMS -

PROPOSED STVR ORDINANCE AMENDMENTS



STVR Ordinance Amendment

IN CONJUNCTION WITH OUR EFFORTS SURROUNDING STVRS, THE CODE DIVISION AND NBV LEGAL TEAM ARE TAKING A CLOSE LOOK AT OUR ORDINANCE FOR UPDATES.

WE HAVE ALREADY IDENTIFIED AREAS OF THE ORDINANCE THAT CAN BE REVISED IN ORDER TO ENHANCE OUR ENFORCEMENT CAPABILITIES AND IMPROVE THE QUALITY OF LIFE FOR OUR NEIGHBORS.



STVR Ordinance Amendment

- ✓ Clarify the verbiage in Division 5. Administration, Penalties, and Enforcement to eliminate areas susceptible to interpretation.
- ✓ Amend Section 13.19(D)(2) to allow the Village Manager to revoke/deny an STVR license after (3) noise violations instead of (5).
- ✓ Amend Section 13.19(C)(1) to allow the Village Manager to revoke/deny an STVR license after second offense for (6) months instead of (30) days.
- ✓ Incorporate a revoke/deny policy for violations pertaining to trash.

STVR Ordinance Amendment

- ✓ Require STVR online advertisements to display the NBV STVR license number.
- ✓ Working with STVR advertising vendors to mandate the entry of an NBV license number before the advertisement can be published.
- ✓ Administration and the Elected Officials are working closely with State Representatives to support and pass legislation that will return regulatory control to municipalities and local government.

STVR Ordinance Amendment

TENTATIVE TIMELINE

- I. **11/9/2021**: Discuss feedback and recommendations from STVR Town Hall during the Commission meeting.
- II. **1/19/2022**: Present ordinance amendment recommendations to the Planning and Zoning Board for feedback.
- III. **2/8/2022**: Introduce the ordinance amendment to the Commission for first reading.
- IV. **3/8/2022**: Pass and enact the amended STVR ordinance on second reading.



STVR ENFORCEMENT & COMPLIANCE



STVR Enforcement & Compliance

POLICE DEPARTMENT & CODE ENFORCEMENT DIVISION ENFORCEMENT

(11/19 – 07/21)

- **(54)** Special Magistrate orders or citations have been issued and paid as a result of STVR enforcement.
- **(17)** of the **(54)** STVR violations were located in North Bay Island
- **(21)** of the **(54)** STVR violations were located in Harbor Island
- **(16)** of the **(54)** STVR violations were located in Treasure Island.
- Our enforcement actions have resulted in **\$103,535.00** in fines being collected.

STVR Enforcement & Compliance

POLICE DEPARTMENT & CODE ENFORCEMENT DIVISION ENFORCEMENT

- ✓ **(5)** STVR licenses have been denied/revoked since 2019.
- ✓ **(4)** were located in North Bay Island
- ✓ **(1)** was located in Treasure Island

- ✓ **(9)** STVR nuisance properties have been shut down/removed in cases where the property was being subleased, or the owner was knowingly operating in defiance of the code.
- ✓ **(4)** were located in Treasure Island
- ✓ **(5)** were in North Bay Island.

THESE ENFORCEMENT ACTIONS RESULTED IN THE HOMES BEING SOLD, CONVERTED TO A LONG TERM RENTAL, OR HAD EVICTIONS EXECUTED.



THANK YOU!

QUESTIONS ?



VILLAGE CONTACTS

VILLAGE MANAGER

RALPH ROSADO PhD AICP

Cell: (305) 978-6700

rrosado@nbvillage.com

CODE ENFORCEMENT DIVISION

ORLANDO RODRIGUEZ

Cell: (305) 389-7562

orodriguez@nbvillage.com

MARIA TOVAR

Cell: (786) 877-9962

mtovar@nbvillage.com

POLICE DISPATCH

(305) 758-2626

PUBLIC WORKS SUPERINTENDENT

MEAGAN COOK Cell # (786) 447-8145

mcook@nbvillage.com

BUILDING DEPARTMENT

LEILANI CALZADILLA (305) 754-6740

lcalzadilla@nbvillage.com

PUBLIC WORKS SERVICE

JANE FEARY (305) 756-7171 ext. #55

Pwdocuments@nbvillage.com