

ORDINANCE NO. 13-1600

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-41.1 "SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS AND TOWNHOUSES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission (the "Commission") by Ordinance 1573, § 2, 5-10-11 adopted regulations for renting single family, two-family multi-family, and townhome dwelling units by seasonal residents in the interest of public health, safety, and welfare; and

WHEREAS, the Town recognizes and addresses ambiguity in the original Ordinance 1573 § 2,5-10-11 pertaining to the notice and enforcement provisions with reference to previous sections; and

WHEREAS, the Town Commission shall have conducted the required duly noticed public hearings on these regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

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 Amendment. The code of the Town of Surfside, Florida is hereby amended as follows:

Sec. 90-41.1. - Short term rental of single family dwellings, two-family dwellings, multi-family dwellings and townhomes.

***** (c) Resort tax and enforcement.**

(1) *Payment of resort tax required.* Owners are subject to payment of the resort taxes as establish by the laws of the Town of Surfside.

(2) *Violations of this section:*

a. Are subject to the following fines. The special master may not waiver or reduce fines set by this section.

i. First violation: \$500.00.

ii. Second violation within the preceding 12 months: \$1,500.00.

iii. Third violation within the preceding 12 months: \$5,000.00.

iv. Fourth or greater violation within the preceding 12 months: \$7,500.00.

b. In addition to or in lieu of the foregoing, the town may seek injunctive relief.

c. Any code compliance officer may issue notices for violations of this ordinance, with enforcement of section 90.41.5 1 and alternative enforcement of section ~~90.41.5~~ 1-8 as provided in Chapter ~~90~~ 1 of this Code. Violations shall be issued to the owner, manager, real estate broker or agent, or authorized agent, or any other individual or entity that participates in or facilitates the violation of this section. In the event the record owner of the property is not present when the violation occurred or notice of violation issued, a copy of the violation shall be served by certified mail on the owner at its mailing address in the property appraiser's records, in the event the notice is returned as unclaimed or refused, notice may be provided by posting on the property, and a courtesy notice by first class mail to the contact person identified in subsection (4)c. above.

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

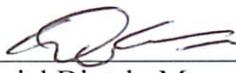
Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this 15 day of January, 13.

PASSED and ADOPTED on second reading this 12 day of February, 13.



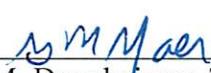
Daniel Dietch, Mayor

Attest:



Sandra Novoa
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: Vice Mayor Karukin

On Second Reading Seconded by: Commissioner Kligman

Vote:

Mayor Daniel Dietch

yes no

Vice Mayor Michael Karukin
Commissioner Graubart
Commissioner Kligman
Commissioner Olchyk

yes no
yes no
yes no
yes no