

**ORDINANCE 402-2008**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, AMENDING CHAPTER 9 BUSINESS TAXES, PERMITS AND BUSINESS REGULATIONS, ARTICLE II. RESIDENTIAL RENTALS, SECTION 9-21 DEFINITIONS; REPEALING ANY CONFLICTING OR INCONSISTENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City Commission desires to regulate the transient use of single-family and two-family residential units in order to maintain the high quality of life enjoyed by all residents and visitors; and

**WHEREAS**, the City Commission desires to ensure the health and safety of all owners and visitors who inhabit properties with a transient use; and

**WHEREAS**, the City Commission finds the current definition of a vacation rental unit may not include all forms of ownership that may result in a transient use of a property.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF KEY COLONY BEACH, FLORIDA**, as follows (Additions to the ordinance are underlined; deletions are ~~crossed out~~):

**CHAPTER 9. BUSINESS TAXES, PERMITS AND BUSINESS REGULATIONS**

**ARTICLE II. Residential rentals.**

**Section 9-21. Definitions.**

The words and phrases used in this ordinance shall have the meanings defined below:

*Local Contact Person means* a person having a certificate of qualification from the City of Key Colony Beach and who resides in a location to allow the local contact person to reach the rental property within one hour of notification by the City.

*Occupant means* any lessee, tenant or other person who, for consideration, occupies a residential dwelling unit.

*Owner means* the Owner of any residential dwelling unit as reflected by the public records of Monroe County, Florida and tax rolls as maintained by the Monroe County Tax Assessor, and the ownership records kept by the City of Key Colony Beach.

*Property Manager* means an Owner or any person or entity other than an Owner who has a certificate of qualification from the City of Key Colony Beach and who is responsible for the leasing or day-to-day maintenance and operation of a residential dwelling unit for rental use.

*Vacation Rental Unit* is a single family or multi-family residential dwelling unit operating as a rental where the premises are rented for a duration of ~~under~~ less than one hundred eighty-one (181) days. The term also includes interval ownership, fractional ownership, tenancy in common, corporate or limited liability company ownership, or other ownership where the ownership structure permits multiple owners to occupy the unit for durations of less than one hundred eighty-one days each.

**Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Inclusion in the Code.** It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Key Colony Beach; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions; and that the word “Ordinance” may be changed to “Section” or other appropriate word.

**Effective Date.** This Ordinance shall be effective immediately after final passage as provided by law.

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Ronald A. Sutton, Mayor

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Attest: Vickie L. Bollinger, City Clerk

Approved as to form and legal sufficiency: \_\_\_\_\_  
Thomas D. Wright, City Attorney

July 24, 2008            First Reading  
August 2, 2008        Date of Notice, Florida Keys Keynoter  
August 12, 2008      Second Reading