

ORDINANCE 407-2009

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, AMENDING CHAPTER 9 BUSINESS TAXES, PERMITS AND BUSINESS REGULATIONS, ARTICLE I. IN GENERAL, SECTION 9-11 SCHEDULE OF LICENSE TAXES; ARTICLE II. RESIDENTIAL RENTALS, SECTION 9-21 DEFINITIONS AND SECTION 9-28 VIOLATIONS; 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 desires to clarify the definitions of a local contact person and property manager so as to be consistent with other sections of the ordinance and with state regulations.

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 1. In General.

Section 9-11. Schedule of license taxes.

SCHEDULE OF BUSINESS TAXES

TABLE INSET:

\$25.00	Accountants, auditors, CPA services, tax consultants
25.00	Attorneys
25.00	Banking services
25.00	Bait stores
25.00	Beauty shops
25.00	Boat launching ramp
25.00	Bottled gas sales outlet
25.00	Charter boats and party boats
25.00	Clairvoyant
25.00	Clothing store

- 25.00 Club, private
- 25.00 Convenience retail stores
- 25.00 Deli
- 25.00 Gasoline/diesel automotive filling stations
- 25.00 Gasoline/diesel marine filling stations
- 25.00 Golf shop
- 25.00 Home occupational license
- 25.00 Laundromats, commercial
- 25.00 Liquor store
- 31.50 Marina
- 25.00 Miscellaneous business: every business, occupation, profession or exhibition, substantial or fixed, engaged in by any person in a building or upon a vacant lot not specifically designated in this schedule as permitted by Article 3 and Article 4 Section 101-34 Land Development Regulations, shall pay a business tax for each place or location
- 25.00 Real estate offices
- 25.00 Rental equipment (bicycles, boats, etc.)
- 25.00 per Rental unit including hotel, time-share, single-family, duplex, condo, and all other rental units.
- 10.00 per Room, motel/hotel
- Restaurants and cafes:
- 25.00 Seating less than 51 persons
- 52.50 Seating more than 50 persons

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~~ completion 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~~ completion from the City of Key Colony Beach and who engages in property management services for ~~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 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.

Section 9-28. Violations.

(a) Violations of the provisions of this ordinance shall be punishable by a fine of up to five hundred dollars (\$500.00) per day, and may result in a suspension or revocation of a vacation rental license.

(b) A rental registration shall be automatically suspended for non-payment of a fine after due. Upon payment of the fine, the registration shall be reinstated.

(c) A certificate of ~~qualification~~ completion of a Property Manager or Local Contact Person may be suspended or revoked upon violation of this ordinance by the actions of the Property Manager or Local Contact Person.

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.

Ronald A. Sutton, Mayor

Attest: Vickie L. Bollinger, City Clerk

Approved as to form and legal sufficiency:

Thomas D. Wright, City Attorney

February 26, 2009 First Reading
February 28, 2009 Date of Notice, Florida Keys Keynoter
March 12, 2009 Second Reading