

ORDINANCE NO. 09-2025

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE GENERAL ORDINANCES, ARTICLE VIII, "RENTAL PROPERTIES," OF CHAPTER 22, "BUSINESSES," TO PROVIDE A REGULATORY FRAMEWORK FOR SHORT-TERM RENTALS CONSISTENT WITH FLORIDA, UPDATING DEFINITIONS, AND UPDATING THE PROCESS FOR BUSINESS TAX RECEIPT APPLICATIONS, INSPECTIONS, AND APPROVALS; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Deltona, Florida, adopted Article VIII, "Rental Properties," and Chapter 22, "Businesses" within its General Ordinances; and

WHEREAS, Article VIII, "Rental Properties," of Chapter 22, "Businesses," of the General Ordinances shall be amended to align with and complement the provisions of Part I, Chapter 509, Florida Statutes, as may be amended; and

WHEREAS, the City Commission desires to set interim fees for the inspections and registrations provided for within Article VIII, "Rental Properties," of Chapter 22, "Businesses," until such a time as the City Commission updates its Fee Schedule by Resolution; and

WHEREAS, the City Commission finds and determines that these modifications are in the best interest of the public health, safety, and welfare of the residents of the City of Deltona.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:

Section 1. Recitals Adopted. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

Section 2. Amendment to the Code of Ordinances. The City Commission hereby approves and adopts modifications to Article VIII, "Rental Properties," of Chapter 22, "Businesses," of the General Ordinances, as set forth in "Exhibit A" attached hereto.

Section 3. Interim Fee Schedule Established. An interim fee schedule is hereby established as follows until such a time as the City Commission updates the Fee Schedule by Resolution:

Long Term Rental License Fee - \$300.00

Long Term Rental Inspection Fee - \$50.00

Vacation Rental Certificate of Registration Fee - \$300.00

Vacation Rental Renewal Registration Fee - \$150.00

Amendment to Certificate of Registration Fee - \$50.00

Vacation Rentals Inspection Fee - \$50.00

Section 4. Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

Section 6. Codification. The provisions of this Ordinance shall be codified as and be made part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered to accomplish such intention.

Section 7. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
DELTONA, FLORIDA THIS _____ DAY OF _____, 2025.**

First Reading: _____

Advertised: _____

Second Reading: _____

BY: _____
Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

Approved as to form and legality
for use and reliance of the City of
Deltona, Florida

Name	Yes	No
Avila-Vazquez		
Colwell		
Heriot		
Howington		
Lulli		
Santiago		
Avila		

TG Law, PLLC, CITY ATTORNEY

ARTICLE VIII. RENTAL PROPERTIES/VACATION RENTALS

Division I – Rental Properties

Sec. 22-231. Short title.

This article shall be known and may be cited as the "Deltona Real Property Rental Inspection Ordinance".

(Ord. No. 11-2007, § 1, 5-21-2007)

Sec. 22-232. Intent.

The intent of this ~~article~~ Division is to protect the public health, safety and welfare; to provide the means to give adequate notice to owners of residential property in the city who may not reside in that property as to their responsibilities under city codes and ordinances; and to ensure that rental properties ~~are~~ maintained in a high quality manner as required of all residential properties.

(Ord. No. 11-2007, § 2, 5-21-2007)

Sec. 22-233. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Change in occupancy means any change in occupancy of the majority of adult occupants of a dwelling.

High-Risk Occupancy. An occupancy that has a history of high frequency of fires, high potential for loss of life or economic loss, or that has a low or moderate history of fires or loss of life but the occupants have a high dependency on the built-in fire protection features or staff to assist in evacuation during a fire or other emergency.

Examples include multiple-family dwellings, high-rise buildings, hotels, dormitories, lodging and rooming.

Immediate family means any individual who is a relative or legal ~~dependant~~ dependent of the property owner, to include spouse, children, step-children, parent, step-parent, foster parent, foster children, grandparent, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, or legal guardian.

Local agent means any person or firm who has charge, care or control of a building, or part thereof, in which rental dwelling units are maintained.

Local business tax receipt means the document issued by the city which evidences that the person in whose name the document is issued has complied with the provisions of the city ordinance relating to the local business tax for the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction.

Local point of contact means a person who resides or has a business location within a 50-mile radius of the subject property.

Property manager shall mean a party designated by the Owner as responsible for inspecting, maintaining and securing the property as required by this Article.

Property owner means any person, agent, operator, firm, corporation, partnership, association, property, maintenance group, or fiduciary having equal, equitable, or other interest in real property; or recorded in the official records as holding title to the property; or otherwise having control of the property, including the local agent or the guardian of the estate of any such person and the executor or administrator of such person's estate. When used in this article prescribing any activity or imposing a penalty, the term "property owner," as applied to partnership and associations, shall mean each partner and as applied to corporations, the officers thereof.

Rental inspector means any designated employee or agent of the city whose duty it is to enforce codes and ordinances enacted by the city.

Rental property means any ~~improve~~ structure or portion of a structure within the City of Deltona which is occupied by someone other than the Owner or Landlord of the real property for residential or commercial purposes for periods longer than 30 days, including but not limited to the following: any living quarters or accommodations in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, rooming house, mobile home, mobile home park, mobile home space, recreation vehicle park, town home, or condominium and for which the Owner and/or Landlord received any value or consideration, including not limited to money, or the exchange of goods or services, regardless of the relationship between lessor and lessee.

Special magistrate means a person designated by the city commission pursuant to applicable provisions of this Code, as amended from time to time, who is hereby given authority to hear violations and appeals as specified in this article.

Vacancy means any change in the occupancy of the majority of a rental dwelling unit. The term "vacancy" may be used interchangeably with the term "change in occupancy."

(Ord. No. 11-207, § 3, 5-21-2007)

Sec. 22-234. Prohibition of occupancy license required for rental dwelling.

~~It shall be unlawful for any owner of residential property to let any single-family rental dwelling or multi-family dwelling unit within the city, unless there is a local business tax receipt issued as required by the provisions of this article. It is prohibited and unlawful for any property owner or other person, firm, corporation or other entity to operate or cause to be rented any rental dwelling unit, either as lessor, owner or agent, without having first obtained a rental license in compliance with the provisions of this article.~~

(Ord. No. 11-2007, § 4, 5-21-2007)

Sec. 22-235. Local business tax receipt application Rental license application; exemptions from licensing and inspections.

- (a) ~~Inclusions. On or before September 30 of each year, or at the same time thereafter as residential property is first offered for rent, the owner of record of each dwelling unit or rooming house in which residential quarters are rented or offered for rent to persons other than the owner or owner's immediate family, shall make written application to the city for a local business tax receipt to engage in the business of renting residential property, setting forth the address, classification (whether single-family, multiple-family or rental room), and the local point of contact person of each dwelling unit to be issued a business tax receipt for rental, in such form or forms as the City of Deltona shall from time to time designate, together with such fees as the city commission may from time to time adopt by resolution. A separate business tax receipt is needed for each and every tax parcel on which a residential rental property is located. An agent of one or more owners may apply for multiple tax receipts, upon certifying that the agent has received written authorization from each owner represented provided that such authorization acknowledges receipt of a copy of this ordinance and applicable sections of the International Property Maintenance Code and acknowledges that failure to abide by this ordinance or other applicable codes and ordinances may result in a lien upon the property of the owner. The owner of record shall notify the city within 30 days when the local point of contact person changes.~~ The owner of each existing rental dwelling unit existing as of the effective date of the ordinance from which this article is derived, unless the dwelling has a valid license, shall file an application for a rental dwelling unit license for each rental dwelling unit on a form prescribed by the city. In the case of a property owner making application for a multi-unit building consisting of five or more rental dwelling units (for example, apartment complexes) at one location, only one application per building shall be filed; however, the license fee shall be determined by the number of rental dwelling units. In addition, the owner of each rental dwelling unit constructed or converted to rental use after the effective date of the ordinance from which this article is derived shall file an application for a rental dwelling unit license on a form prescribed by the city prior to any initial occupancy.

(b) ~~Exceptions. No tax receipt is required for any (1) owner occupied single family dwelling unit; (2) rented duplex units in which the property owner, or members of their immediate family as evidenced by submittal of a sworn affidavit indicating the relationship between the property owner and the family member, resides within the attached on-site dwelling unit; or (3) apartment building or condominiums in which there is on-site property management and maintenance; provided that nothing in these exceptions otherwise excuses such owners from compliance with the International Property Maintenance Code or any other applicable code or ordinance.~~ An agent may apply for a rental license upon exhibiting a sworn statement from the property owner, provided that the written authorization acknowledges receipt of a copy of this article and acknowledges that failure to abide by this article or other applicable codes and ordinances may result in a lien upon other property of the owner.

(c) ~~Local business tax receipt fee. The local business tax fee shall be set by the city commission.~~ Exemptions. No rental license or inspection is required of any:

(1) Property owner who occupies a single-family dwelling unit, so long a tenant lives with the owner;

(2) Rented duplex or triplex or quadraplexes units in which the property owner resides within the attached on-site dwelling unit; or

(3) Residential units required to be inspected on a periodic bases for compliance with state or federal housing standards (for example, apartment complexes); provided, however, that the property owner must submit to the city a certificate of inspection or other documentation verifying the compliance with said standards; furthermore, nothing herein shall prohibit the city from conducting a complaint-driven or inspector-initiated inspection of such dwelling unit.

(4) High-risk occupancies required to be inspected annually in accordance with the Florida Fire Prevention Code (FFPC) most recently adopted edition as outlined in NFPA 1: 10.2.7 the minimum inspection frequency table.

Nothing in these exemptions otherwise excuses property owners from compliance with the International Property Maintenance Code or any other applicable codes ordinances.
~~Maintenance Code or any other applicable codes ordinances.~~

(Ord. No. 11-2007, § 5, 5-21-2007; Ord. No. 01-2013, § 1, 2-18-2013)

Sec. 22-236. ~~Interior rental inspections for cause.~~ Rental license fee and inspection fee

(a) Each property owner that rents a dwelling unit is subject to the provisions of this article and shall register for a one-time rental license and certificate of inspection. Existing rental dwelling units with a valid license and certificate of inspection at the adoption date the ordinance from which this article is derived shall remain active and be considered registered unless there is a change in ownership under subsection (b) of this section.

(b) If the property continues to be used a rental dwelling unit, the current license and certificate of inspection may be transferred to the new owner. However, the new property owner shall submit a new, completed application in compliance with the requirements of this article, or provide the city with an affidavit stating that the structure has been inspected and meets the minimum criteria as outline in the inspection checklist adopted by the city. A license and certificate of inspection shall terminate upon failure to apply for a transfer within 30 days of the date of sale or transfer of ownership of a rental dwelling unit.

(c) Every three years, the property owner shall schedule and complete a rental inspection to confirm the structure meets the minimum criteria as outline in the inspection checklist. A new certificate of inspection shall be issued upon passing the inspection.

(d) High-risk occupancies will undergo a fire safety inspection annually in accordance with the Florida Fire Prevention Code (FFPC) most recently adopted edition as outlined in NFPA 1: 10.2.7 the minimum inspection frequency table. The fire department will utilize the standardized fire safety inspection report specifically designed to document deficiencies in accordance with the FFPC.

~~(de)~~ An inspection fee shall be assessed and paid before a rental inspection is conducted and a certificate of inspection is issued, pursuant to Section 22-237. The inspection fee shall be established by resolution of the city commission.

~~(ef)~~ No refunds for license or inspection fees shall be made to those discontinuing operation or who sell, transfer, give away, or otherwise dispose of a licensed property to another property owner.

~~Nothing in this Ordinance shall prohibit the rental inspector from inspecting the interior of properties if he or she has probable cause, supported by a sworn affidavit, or by invitation of the tenant or the property owner, to believe a health or safety violation exists inside the dwelling.~~

(Ord. No. 11-2007, § 6, 5-21-2007)

Sec. 22-237. ~~Emergency inspections and remediation.~~Rental inspection program requirements.

The following requirements shall apply to all rental dwelling units within the city:

(1) This inspection program applies to all rental dwelling units. In the first instance that a dwelling unit has a change in occupancy to rental, a valid certificate of inspection must be obtained from the city for that unit before in can be lawfully occupied by a tenant.

(2) It is prohibited and unlawful for any owner of a dwelling unit to allow any tenant to occupy that housing unit if the required certificate of inspection provided by the property owner stating that the structure has been inspected and meets the minimum

criteria of the inspection checklist for that unit has not been issued by the city at the time of the occupancy commenced for that tenant.

(3) After a dwelling unit has been inspected, the certificate of inspection shall be issued by the city of that dwelling unit and property comply with all applicable codes of the city.

(4) If the dwelling unit does not comply with the applicable provisions of all city codes, that dwelling unit must be brought into compliance before a certificate of inspection will be issued and occupancy allowed.

(5) If the property does not comply with the applicable provisions of all city codes, the property shall be brought into compliance before a certificate of inspection will be issued for a housing unit.

(6) For inspection involving multiple residential dwelling units (for example, apartment complexes) which exceed four at one location and upon the consent of the owner, or designee, or issuance of an administrative inspection warrant, a random sampling of the properties may be inspected at the discretion of the building official or fire chief, or their designees. The minimum random sampling of the property is 30 percent of the rental dwelling units, and the maximum is 100 percent of the rental dwelling units. For purposes of calculating inspection totals, any fractional portion of a unit shall be counted as an additional unit being inspected.

(7) Rental dwelling units contained in structures that are less than five years old are exempt from the inspection process, but are not exempt from obtaining a rental license. This exemption recognizes that newer structures receive initial inspections per the building code process, and no further duplication is required for five years.

(8) High-risk occupancies will undergo a fire safety inspection annually in accordance with the Florida Fire Prevention Code (FFPC) most recently adopted edition as outlined in NFPA 1: 10.2.7 the minimum inspection frequency table. The fire department will utilize the standardized fire safety inspection report specifically designed to document deficiencies in accordance with the FFPC.

(9) If the current certificate of inspection is lost or destroyed, the property owner or agent may request the city to issue a duplicate certificate without charge.

~~(a) — Nothing in this Ordinance shall limit or supplant the power of the rental inspector under the International Property Maintenance Code to placard and order the vacation of property which:~~

~~(1) — Is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public.~~

~~(2) — Lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants of the public.~~

~~(b) Nothing in this Ordinance limits the right of the city to abate or remediate such emergency or nuisance by any other lawful means or proceedings.~~

(Ord. No. 11-2007, § 7, 5-21-2007)

Sec. 22-238. ~~Delinquencies, revocation, penalties~~ Conduct of inspections.

~~(a) If a local business tax receipt is required under this article and the tax receipt is not renewed when due and payable it shall be deemed delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five percent penalty for each subsequent month or portion thereof that the delinquency tax remains paid. However, the total delinquency penalty may not exceed 25 percent of the local business tax for the delinquent property. Each property owner engaged in the business of renting dwelling units shall undertake to make such property available for a reasonable inspection of the exterior and interior of the dwelling to determine compliance with the city's code, provided that the city shall at all times honor the rights of the property owner and the tenant.~~

(1) Inspection required under this article shall be made only by rental inspectors designated by the city manager. A law enforcement officer may accompany rental inspectors, provided that there is probable cause to believe that an inspector's personal safety is at risk during the inspection. No other unqualified person may accompany rental inspectors without consent of the property owner or tenant.

(2) Inspections shall be made at the request of the tenant, at the request of the property owner when the property is unoccupied between rental, or when the rental inspector has reasonable suspicion, supported by a sworn affidavit, to believe that a health or safety violation exists inside the dwelling. Inspection fees shall not be charged for tenant requested inspections or nonrequested inspections by the rental inspector if no violation is found.

(3) High-risk occupancies will undergo a fire safety inspection annually in accordance with the Florida Fire Prevention Code (FFPC) most recently adopted edition as outlined in NFPA 1: 10.2.7 the minimum inspection frequency table and a fee will be charged pursuant to Section 22-237. The fire inspection fee shall be established by resolution of the city commission.

~~(4)~~ (3) The rental inspector shall make his inspections during normal working hours, unless:

a. The rental inspector has made an appointment for another inspection time, at the request of the property owner or tenant; or

b. The rental inspector has previously attempted, two or more time, to complete an inspection during normal working hours and has found no adult person on the premises authorized to admit the inspector.

(54) At the commencement of each inspection, the rental inspector shall exhibit his credential and identification and advise the property owner, tenant, or adult person authorized to admit the inspection that an inspection is required under the provisions of this article.

(65) If the rental inspector is denied admittance by the property owner, tenant, or local agent, or if the rental inspector fails in at least three attempts to complete an inspection of the premises because there is no adult person on the premises to admit the inspector, the rental inspector shall provide notice of failure of inspection to the property owner, by certified mail to the address shown on the license. Within three days or refusal of such notice, the property owner shall arrange the admittance of the inspector to the premises for the completion of the required inspection. If the property owner fails to arrange such admittance, the city shall revoke, in accordance with the requirements of controlling law relating to administrative due process, the license and certificate of inspection and shall notify the property owner of such revocation by certified mail. If the property owner thereafter continues to permit the rental of the premises without inspection, the property owner shall be subject to proceedings before the city's special magistrate for violation of this article and for any other code violations which may be apparent.

~~(b) Any person operating a rental property without first obtaining a local business tax receipt, if required in accordance with this article, shall be subject to a penalty of 25 percent of the license, in addition to any other penalty provided by law or ordinance.~~

~~(c) Any person who operates a rental property covered by this article, who does not pay the required local business tax within 150 days after the initial notice of tax due, and who does not obtain the required receipt is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.00.~~

~~(d) All costs of collection and enforcement of the terms of this article, to include attorneys' fees whether or not litigation is commenced, shall be the responsibility of the person or corporation for which a receipt is or was required.~~

~~(e) Notification of violation to the rental agent or property owner when applicable will be mailed certified mail or hand delivered when possible and serve as the initial notice of tax due in compliance with section 22-238(c).~~

~~(f) As an additional means of ensuring compliance with the provisions of this article, the City of Deltona Special Magistrate shall have jurisdiction and authority to hear and decide alleged violations occurring in the corporate limits of the city and to impose administrative fines and liens for violations. Proceedings before the special magistrate shall be governed by its rules and procedures, and F.S. ch. 162.~~

(Ord. No. 11-2007, § 8, 5-21-2007; Ord. No. 01-2013, § 2, 2-18-2013)

Sec. 22-239. Property Maintenance Requirements

- (a) Properties subject to this Article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.
- (b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration is required.
- (d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- (f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (g) Failure of the Owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the City of Deltona. Pursuant to a finding and determination by the City of Deltona, Magistrate Special magistrate, the City of Deltona may take the necessary action to ensure compliance with this section.
- (h) In addition to the above, the property is required to be maintained in accordance with the all applicable City, State, and Federal codes(s) of the City of Deltona and regulations.

Sec. 22-240. Nontransferability.

A rental license, certificate of inspection, temporary certificate of inspection, or temporary waiver of certificate of inspection shall not be transferred to any other rental dwelling unit.

Sec. 22-241. Nonliability of city.

A rental license, certificate of inspection, temporary certificate of inspection, temporary waiver of certificate of inspection, inspection or re-inspection is not a representation, guarantee, or warranty of any kind by the city of the fitness of the rental dwelling unit for which the license and certificate were issued, nor is it a representation, warranty, or guarantee of any kind by the city that such rental dwelling unit is in compliance with city codes. No person shall rely on the rental license or certificate of inspection as a representation of the condition of such unit. A

statement is substantially this form shall appear on each rental license receipt and certificate of inspection issued by the city.

Sec. 22-242. Advertising

~~Any advertising of the vacation rental shall conform to the information submitted with the application for registration of the vacation rental and to the information shown on the certificate of registration for the vacation rental, specifically including, but not limited to, maximum occupancy. It shall be a violation of this article for the owner to advertise the vacation rental as being available for occupancy at a level that exceeds the maximum occupancy established for the vacation rental under this article. The existence of advertising through any medium which describes the vacation rental as being available for occupancy at a level that exceeds the maximum occupancy established for the vacation rental under this article shall create a rebuttable presumption that the vacation rental identified in the advertising or advertisement was used in violation of this section.~~

Sec. 22-243. Violations of this Article

(a) Non-compliance with any provision of this article shall constitute a violation of this article. Violations of this article shall specifically include, but not be limited to, the following unlawful conduct.

(1) It is unlawful to rent out a ~~vacation rental~~ rental property without a current certificate of registration issued by the city in accordance with this article.

(2) It is unlawful to advertise or otherwise offer a ~~vacation rental~~ rental property for rent without a current certificate of registration issued by the city in accordance with this article.

(3) It is unlawful to rent a ~~vacation rental~~ property for occupancy in excess of the applicable maximum occupancy.

~~It is unlawful to be an occupant of a vacation rental at any time that the number of occupants of the vacation rental exceeds its maximum occupancy.~~

~~It is unlawful to fail to post a copy of the certificate of registration in a vacation rental as required by this article or to fail to post any of the information required to be posted in the vacation rental under this article.~~

(4) It is unlawful to provide any false or misleading information in connection with any application for a certificate of registration, or for modification or renewal of a certificate of registration, as required by this article. Any knowing and intentionally false statements made in any such application, or any intentionally misleading information submitted in connection with an application, may subject the applicant to a fine, revocation of the certificate of registration and such further penalties as described herein or otherwise provided by law.

(b) Each day a violation exists shall constitute a separate and distinct violation.

Sec. 22-244. Enforcement and Remedies

(a) Code enforcement related violations of this article shall be undertaken in accordance with F.S. ch. 162, the City of Deltona Code of Ordinances and this article.

(b) The city may utilize F.S. ch. 162, Part 1, to prosecute a violation of this article or other code violations with respect to a vacation rental and in such cases, the special magistrate shall be authorized to hold a hearing, to assess penalties and to order other relief in accordance with Article II of the Code of Ordinances and this article.

(b) Nothing herein shall prevent the city from seeking all other available remedies which may include, but shall not be limited to, suspension of a certificate of registration, injunctive relief, liens, and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

Sec. 22-245. Immunity of Enforcement Officer.

Any person authorized by the City of Deltona to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Article.

Division II – Vacation/Short Term Rentals

Sec. 22-246. Statement of Intent.

It is the intent of this article to regulate vacation rentals as defined by the Florida Statutes which are located in all zoning areas of the city.

The general purpose of this article is to ensure to the city’s residents the tranquility and peaceful enjoyment of their homes and their neighborhoods; to mitigate incompatibilities between vacation rentals and resident occupied homes and to protect the safety of occupants of vacation rentals and their guests. The city intends to address complaints associated with unsupervised vacation rentals in the manner set forth herein, including, but not limited to establishing a mandatory annual registration system for vacation rentals; specifying maximum occupancy limits; requiring inspections; requiring the owner of a vacation rental to designate an individual to be responsible for the vacation rental; to be aware of the condition and use of the vacation rental and to be able to quickly respond to complaints and immediate problems associated with the vacation rental.

Sec. 22-247. Definitions.

For purposes of this article, the following terms, words, and phrases shall have the meaning set forth in this article. Whenever applicable, the singular shall include the plural.

Bedroom means any room in a vacation rental that contains a minimum of 100 square feet; which has a bed or other place for sleeping; and which has either a separate closet

that is an integral part of the permanent construction within the bedroom or an en suite bathroom. This definition does not include a bathroom, a kitchen, a dining area or any main living area. If a room has been added, altered or converted without require building permits having been issued, such room shall not be deemed a bedroom.

Certificate of registration means the document that is issued by the city in accordance with Section 22-249 to show that the vacation rental described on the certificate is currently registered with the city as required by section 22-248.

Guest means any person physically within the vacation rental or on its grounds with the knowledge of an occupant.

Maximum Occupancy means the maximum number of persons who may be occupants of a vacation rental at the same time.

Occupant means any person who occupies a vacation rental overnight.

Owner or vacation rental owner means a natural person or legal entity holding all or a portion of the fee simple title to a vacation rental, whether an individual, partnership, corporation, limited liability company, trust, or other entity. In the event that the vacation rental owner is not an individual, each and every person who owns an equitable interest in the vacation rental shall be considered an owner.

Owner occupied means a vacation rental this is the primary and permanent residence of the owner of the property.

Pre-existing rental agreement means a written agreement with prospective occupants allowing them to stay in a vacation rental which agreement was fully executed as of the effective date of this article.

Vacation rental shall have the meaning as defined in F.S. ch. 509, as may be amended.

Sec. 22-248. Mandatory registration

(a) No vacation rental shall be rented or offered for rent without a current valid certificate of registration. Failure to possess a current valid certificate of registration while renting or occupying a vacation rental is a violation of this section. Every vacation rental owner, either personally, or through an agent, shall apply to the city for an initial certificate of registration, utilizing forms promulgated by the city by no later than October 1, 2025, and shall obtain a certificate of registration by no later than December 31, 2025. Every vacation rental owner, either personally or through an agent, shall apply to the city for a renewed certificate of registration, utilizing forms promulgated by the city, each successive year thereafter, and shall be filed with the city a minimum of 90 days prior to the expiration of the certificate of registration. A separate certificate of registration shall be required for each vacation rental. The operation of a vacation rental without a certificate of registration after December 31, 2025, shall be a violation of this section. Every day of such operation without registration shall constitute a separate violation.

(b) An application for a certificate of registration shall contain a statement from the vacation rental owner, under penalty of perjury, that the owner represents that the information provided on the application and the information submitted with the application is true and accurate to the best of the owner's knowledge and belief. The application shall be accompanied by the following materials and information:

(1) A completed application for vacation rental certificate of registration form supplied by the city. At a minimum, the application form shall include the street address of the vacation rental, the legal description of the property on which the vacation rental is located; the name, address, electronic mail address and telephone number of the vacation rental owner(s); and the name, address, electronic mail address and telephone number of the designated responsible party if different from the owner.

(2) Proof of current ownership of the vacation rental property.

(3) Payment of the annual registration fee.

(4) A form supplied by the city entitled "designation of responsible party" signed by the owner of the vacation rental or authorized representative, naming a designated responsible party who shall have the duties listed in Section 22-260. The vacation rental owners may appoint himself or herself as the designated responsible party or shall otherwise designate someone to act as the designated responsible party on his or her behalf.

(5) A written acknowledgement form signed by the designated responsible party acknowledging that he or she is aware of the provisions of this article and that he or she agrees to serve in the capacity of designated responsible party for the vacation rental being registered and that he or she agrees to discharge the duties of a designated responsible party as set forth in section 22-260.

(6) A copy of the Business Tax Receipt showing payment of the City of Deltona local business tax for the vacation rental for the current fiscal year or other proof of payment.

(7) Evidence that the vacation rental has a current and active account with the county tax collector for the purposes of collecting and remitting tourist development taxes and any other taxes required by law to be remitted to the county tax collector.

(8) A copy of a current and active license for the vacation rental issued by the state department of business and professional regulation showing that the vacation rental is licensed as a transient public lodging establishment.

(9) A copy of the current and active certificate of registration with the state department of revenue for the vacation rental showing that the vacation rental is registered for the purposes of collecting and remitting sales taxes, transient rental taxes and any other taxes require by law to be submitted to the state department of revenue.

(10) The number of bedrooms in the vacation rental.

(11) The number of full bathrooms (sink, toilet, and bathtub or shower) in the vacation rental.

(12) The square footage of temperature-controlled living space within the vacation rental.

(13) An exterior site sketch of the vacation rental facility. The sketch shall show and identify all structures, pools, hot tubs, spas, fencing and uses, including areas provided for off street parking. For purposes of the sketch, off street parking spaces shall be delineated as to enable a fixed count of the number of spaces provided in accordance with section 22-259. At the option of the vacation rental owner, such sketch may be hand drawn and need not be professionally prepared, but shall be sufficient for staff to determine compliance with this article. Photographs of the exterior of the site may be submitted in lieu of a sketch, provided such photographs shall be sufficient for staff to determine compliance with this article.

(14) An interior building sketch for each floor in the vacation rental showing the floor plan layout and identifying all bedrooms, other rooms, exits, hallways and stairways and elevators as may be applicable. At the option of the vacation rental owners, such sketch may be hand drawn and need not be professionally prepared, but shall be sufficient for staff to determine compliance with this article. Photographs of the interior of the building may be submitted in lieu of a sketch, provided such photographs shall be sufficient for staff to determine compliance with this article.

(15) A blank sample of the rental lease agreement to be used for the vacation rental.

(16) An affidavit executed by the owner on a form provided by the city, representing that he or she is aware of the city rules regulating vacation rentals.

(17) If the application for registration is being submitted on behalf of the owner of the property by his or her authorized representative, a letter of authorization from the owner representing that the representative is authorized to act on his or her behalf.

(18) A copy of all pre-existing rental agreements for the vacation rental.

(19) Any other information which may be reasonably requested by the city to verify compliance with the terms of this article.

(c) Submission of an incomplete application for registration or a submission not accompanied by all of the applicable requirements of this section shall result in rejection of the application. If the submission for registration is incomplete, the applicant shall be notified of the deficiencies and shall be allowed 20 calendar days to provide any missing information, to pay any unpaid registration or inspection fees, or to address code compliance penalties. If the missing information is not provided or fees or penalties not paid within 20-day period, the application shall be deemed withdrawn. If the information is timely provided and any delinquent fees are timely paid, the application shall be processed.

Sec. 22-249. Certificate of registration

(a) A certificate of registration for a vacation rental shall be issued if each of the following conditions has been satisfied:

(1) The application for a certificate of registration is complete and the applicant has submitted all documents and information required by Section 22-248.

(2) The applicant has paid all required fees and any fines or penalties previously imposed on the vacation rental unit.

(3) The vacation rental has been inspected as required by section 22-254 and the inspection shows that the vacation rental is in compliance with the applicable building codes, ~~fire prevention code~~, and property maintenance code in effect at the time the certificate of occupancy was issued, and is in compliance with the provisions of this article, specifically including, but not limited to, the minimum safety requirements of section 22-257 and the posting requirements of section 22-258, and is in compliance with other applicable city ordinances.

(4) The vacation rental has been inspected as required by section 22-248~~54~~ and the inspection shows that the vacation rental is in compliance with the applicable Florida Administrative Code (FAC) Chapter 69A-43 Uniform Fire Safety Standards for Transient Public Lodging Establishments, Timeshare Plans, and Timeshare Unit Facilities' and is in compliance with the provisions of this article, specifically including, but not limited to, the minimum safety requirements of section 22-25~~07~~ and the posting requirements of section 22-258~~1~~.

(b) All certificates of registration shall be issued on a calendar year basis and shall be considered current and valid until the end of the calendar year for which they were issued unless suspended in accordance with this article.

(c) Each vacation rental shall require a separate certificate of registration. The certificate of registration shall contain the street address of the vacation rental, the name of vacation rental owner, the name and telephone number of the designated responsible party, the expiration date of the certificate and shall also state the maximum occupancy of the vacation rental.

(d) If the violation history of the vacation rental identified in the initial application for a certificate of registration shows any violations of city codes with associated unpaid penalties or unsatisfied liens, the initial certificate of registration shall not be issued until all outstanding penalties or liens are first paid or satisfied.

Sec. 22-250. Renewal of Registration

(a) All certificates of registration shall expire on December 31 of each year. An owner or authorized representative shall renew the registration annually and obtain a new certificate of registration prior to December 31 of each year after the initial registration.

An application for renewal shall be filed during the registered period for the upcoming year - no earlier than August 1 and by no later than October 1 each year and all inspections shall be conducted and a determination of compliance shall be made by December 31. If no changes have occurred to the vacation rental since the issuance of the most recent certificate of registration, then no additional submittals of the items enumerated in paragraphs (1) through (19) in Section 22-248(b) above shall be required with the application for a renewed certificate of registration.

(b) A certificate of registration shall not be issued or renewed if there are any outstanding fines, penalties or liens related to violations of this article or any provision of the City of Deltona Code of Ordinances applicable to the vacation rental. In addition, a certificate shall not be issued or renewed if there are any unpaid taxes, permit fees, or other financial obligations owed to the City. Issuance or renewal shall only occur after all such outstanding amounts have been paid in full or otherwise satisfied.

(c) In the event of a change in ownership of the vacation rental property, the new owner must update the registration information within 30 days of the transfer of ownership. If the registration fee for the current year has already been paid by the previous owner, no additional fee shall be required for the balance of that year. However, the new owner must submit an updated application with the required information to reflect the change in ownership. A new fee will be due at the time of renewal, as per the regular registration schedule.

Sec. 22-251. Amendment of Certificate of Registration

An amendment of the certificate of registration shall be required in the event that any of the following changes to the vacation rental occur.

(a) An increase in the number of bedrooms in the vacation rental.

(b) An increase in the square footage of temperature-controlled living space within the vacation rental.

(c) An increase in the maximum occupancy of the vacation rental.

(d) An increase or decrease in the number of parking spaces or a change in the location of parking spaces for the vacation rental.

Sec. 22-252. Change in Ownership of the Vacation Rental

When a vacation rental is sold or ownership is otherwise transferred, the new owner shall apply for a new certificate of registration with the city within 15 days from the date of the sale or transfer, and shall obtain a new certificate of registration. If the new owner fails to apply for a new certificate of registration as provided in this article, any certificate of registration previously issued for that vacation rental shall become null and void on the 16th day following such sale or transfer. An inspection of the vacation rental is required whenever there is new

certificate of registration application due to a change of ownership. The new certificate of registration will still be required as outlined in Section 22-248.

Sec. 22-253. No Vested Rights, Estoppel of Waiver

The issuance of a certificate of registration as required by Section 22-249 above shall not be construed to create any vested rights or entitle the owner of the registered vacation rental to any rights under the theory of estoppel. The issuance of a certificate of registration shall not be construed as a waiver of any other requirements contained within the City of Deltona Code of Ordinances.

Sec. 22-254. Inspections of Vacation Rentals

(a) Upon the filing of an application for a certificate of registration and prior to issuance, the vacation rental shall be subject to an initial inspection to verify compliance with applicable building codes, ~~fire prevention code~~ and property maintenance code in effect at the time the certificate of occupancy was issued, and to confirm that the vacation rental is in compliance with this article and with all applicable provisions of the City's Code of Ordinances, including the international property maintenance code. The designated responsible party shall schedule and confirm all inspections required by this article with the city.

(b) Upon the filing of an application for a certificate of registration and prior to issuance, the vacation rental shall be subject to an initial inspection to verify compliance with the applicable Florida Administrative Code (FAC) Chapter 69A-43 Uniform Fire Safety Standards for Transient Public Lodging Establishments, Timeshare Plans, and Timeshare Unit Facilities' and to confirm that the vacation rental is in compliance with this article. The designated responsible party shall schedule and confirm all inspections required by this article with the city.

~~(c)~~ Once a vacation rental has received a certificate of registration, subsequent renewals shall not require an inspection unless the vacation rental has not been inspected within the five years immediately preceding the renewal date. Renewals requiring re-inspection shall be filed with the city a minimum of 90 days prior to the expiration of the certificate of registration.

(d) Vacation rentals shall undergo a fire safety inspection annually in accordance with the Florida Fire Prevention Code (FFPC) most recently adopted edition as outlined in NFPA 1: 10.2.7 the minimum inspection frequency table.

~~(e)~~ If instances of non-compliance with applicable building codes, fire prevention code or other provisions of this article or the City's Code of Ordinances are discovered upon inspection, such non-compliance shall be corrected and the vacation rental re-inspected within 30 calendar days after written notice of such violation(s) is provided to the designated responsible party.

(fe) If the inspector is denied admittance by the designated responsible party or if the inspector is otherwise unable, following at least three attempts, to complete an initial or a subsequent inspection of the vacation rental, the inspector shall provide a notice of inability to conduct the inspection to the vacation rental owner or to the designated responsible party at the address shown on the application for registration or on the certificate of registration. In such circumstances no certificate of registration shall be issued or renewed until the inspection has been conducted. The issuance of a notice of inability to conduct an inspection after the third failed attempt shall be deemed a violation of this article and shall be subject to enforcement remedies as provided in this article.

Sec. 22-255. Property Maintenance Requirements

- (a) Properties subject to this Article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.
- (b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration is required.
- (d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- (f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (g) Failure of the Owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the City of Deltona. Pursuant to a finding and determination by the City of Deltona, Magistrate, the City of Deltona may take the necessary action to ensure compliance with this section.
- (h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the City of Deltona.

Sec. 22-256. Schedule of Fees

A schedule of fees shall be adopted by resolution of the City Commission and maintained by the City Clerk.

Sec. 22-257. Minimum Safety Requirements

(a) A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, F.S. ch. 515.

(b) The vacation rental shall have a functioning smoke and carbon monoxide detection and notification system which shall be installed and continually maintained consistent with the requirements of Section R314, Smoke Alarms and Section R315, Carbon Monoxide Alarms of the Florida Building Code - Residential.

(c) The vacation rental shall comply with the applicable Florida Administrative Code (FAC) Chapter 69A-43 Uniform Fire Safety Standards for Transient Public Lodging Establishments, Timeshare Plans, and Timeshare Unit Facilities' requirements. ~~(e) — A portable, multi-purpose dry chemical 21:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each floor of the vacation rental. The extinguisher shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.~~

Sec. 22-258. Minimum Posting Requirements

(a) The following information shall be posted in a conspicuous location on an interior wall inside the vacation rental for the safety and convenience of the occupants:

(1) The location of the nearest hospital.

(2) The non-emergency sheriffs telephone number.

(3) The dates and approximate times of trash pickup.

(4) The street address and land line telephone number of the vacation rental.

(5) The name and phone number of the designated responsible party.

(6) Emergency evacuation instructions.

(b) The following additional information shall also be posted in a conspicuous location on an interior wall inside the vacation entry in close proximity to the main entrance:

(1) The maximum occupancy of the vacation rental.

(2) The maximum number of vehicles that are permitted to park at the vacation rental based on the number of off -street parking spaces on site, including enclosed spaces as determined by city staff.

(3) A notice of the need to respect the peace and quiet of neighboring residents which shall state as follows: "You are vacationing in a residential area. Please be a good

neighbor by not making excessive noise or engaging in boisterous behavior, especially after 11:00 pm. Such behavior can deprive your neighbors of the peaceful enjoyment of their homes.”

(4) A statement that sound is audible beyond the property lines of the vacation rental unit is regulated by the city’s noise ordinance and that violation of the noise ordinance could result in fines to the occupants.

(5) A statement that dogs which are not within a fences area must be on leash pursuant to city ordinance, and failure to adhere to such requirements could result in fines.

(6) A statement that recreational vehicles, boat and trailers may not be parked in the front of the house, except for temporary loading, unloading and cleaning.

(b) A copy of the certificate of registration for the vacation rental shall be posted next to or one the interior side of the primary door to the vacation rental.

Sec. 22-259. Parking

Based on the maximum short-term/vacation rental occupancy permitted, minimum off-street parking shall be provided as one (1) space per three (3) occupants. Garage spaces shall count if the space is open and available and the occupants are given vehicular access to the garage. On-street parking shall not be permitted.

Sec. 22-260. Designated Responsible Party

(a) The duties of the designated responsible party, whether the owner or the owner’s authorized representative are as follows:

(1) To be available by land line or mobile telephone at one of the listed phone numbers provided to the city in the application for registration 24 hours a day, seven days a week, and to be capable of handling any issues arising from the use of the vacation rental.

(2) To be available 24 hours a day, seven days a week for the purpose of promptly responding to complaints regarding the conduct or behavior of vacation rental occupants or their guests, or regarding alleged violations of this article. The designated responsible party shall have the authority to immediately address and take action, within one hour of notice from the city, to address complaints, including but not limited to, safety issues, noise or parking.

(3) To come to the vacation rental within one hour following notification from an occupant, the owner, or the city, with authority to address and to coordinate solutions to problems or issues associated with the vacation rental.

(4) To receive service of any legal notice on behalf of the owner for violations of this article or other law or ordinance.

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- (5) To exercise all rights of the owner under F.S. 509.141, 509.142 and 509.143, to deal with unruly occupants and their guests in the vacation rental.
- (6) To maintain continuous compliance with the interior posting requirements of section 22-258.
- (7) To maintain the vacation rental premises free of garbage and litter.
- (8) To otherwise monitor the vacation rental at least once a week when rented to check upon the condition of the unit and the occupants compliance with this article.
- (9) To be informed as to the names, addresses and email addresses and phone numbers of all occupants and as to the number of occupants during each rental period.
- (10) To provide the city with notice of resignation as designated responsible party in writing at least one week in advance of the effective date of the resignation.
- (b) A designated responsible party must have authority to consent to allow all inspectors access to the vacation rental property to conduct inspections.
- (c) It shall be the sole responsibility of the owner to appoint a reliable designated responsible party and to inform the city of his or her contact information as part of the applicable for registration as provided in section 22-248(b) above. Failure to do so shall not be a defense to an alleged violation of this article.
- (d) An owner may change his or her designated responsible party temporarily or permanently. However, there shall only be one designated responsible party for each vacation rental property at any one time. To change the designated responsible party, the owner shall notify the city in writing on a form to be provided by the city at least one week in advance.
- (e) Personal service on, or mailing or emailing of a notice of violation or other notices to, the designated responsible party shall be deemed valid service and notification of the owner or occupant.

Sec. 22-261. Maximum Occupancy

- (a) The following site considerations in subsection(s) 1. And 2., shall limit any short-term vacation rental occupancy to whichever is less as applicable, below
- (1) One person per 250 gross square feet of permitted, air-conditioned living space; or
- (2) The maximum number of occupants allowed shall be restricted in accordance with any septic tank permit and the assumed occupancy/conditions pursuant to which the permit was issued.
- (b) The maximum occupancy restriction as set forth above shall not apply when the property is occupied by the vacation rental owner.
- (c) Notwithstanding the maximum occupancy provisions of this article, a vacation rental that was operating as a vacation rental as of the effective date of this article at an occupancy

higher than would be allowed under this article, may apply for grandfathered status for a period of five years, as to occupancy for this five-year period to be based upon the following criteria and procedures.

(1) A grandfathered vacation rental shall have its maximum occupancy based upon a maximum of two persons per bedroom plus four additional persons, and subject to proof of existing use at or above the requested occupancy as of effective date of this article. A change in the number of bedrooms at the vacation rental shall cause such vacation rental to lose its grandfathered status.

(2) The vacation rental owner, or agent as applicable ("grandfathering applicant"), shall complete an application for grandfathering ("grandfathering application") as prescribed by the city, which shall be submitted under oath and upon penalty of perjury, and provide verifiable written proof of the number of bedrooms as herein defined in the vacation rental and the existing use of the vacation rental at or above the requested occupancy, as of the effective date of this article.

(3) The grandfathering application and supporting proof shall be submitted to city for review by city staff, and such staff shall make a written determination as to the maximum occupancy of such grandfathered vacation rental.

(4) All grandfathering applications shall be submitted by no later than the time of application for a certificate of registration for the vacation rental, but in no event later than January 1, 2026. If a vacation rental has received a certificate of registration, but a final determination as to the grandfathering application has not yet been made, such vacation rental may allow occupancy up to the maximum occupancy requested in the grandfathering application until such time as a final determination as to occupancy has been made.

Sec. 22-262. Exemption From Maximum Occupancy limits for pre-existing rental agreements

(a) The maximum occupancy limits contained in section 22-261 shall not apply to a pre-existing rental agreement entered into and fully executed prior to the effective date of this article. Notwithstanding any other provision of this article, occupancy pursuant to pre-existing rental agreements are exempt from the maximum occupancy limits of this article.

(b) At the time of submittal of an application for a certificate of registration, the owner or agent shall submit proof of any pre-existing rental agreements, which should include the following information and any additional information which should support the request:

(1) Copy of deposit or payment information evidencing that the agreement was an agreement that pre-dated the effective date of this article (i.e., a pre-existing rental agreement).

(2) Copy of emails or other written communication evidencing a pre-existing rental agreement.

(3) Information from the occupant confirming that there was a binding agreement in a time frame to make the agreement qualify as a pre-existing rental agreement.

(4) A written vacation rental agreement executed and dated prior to the effective date of this article.

Sec. 22-263. Advertising

Any advertising of the vacation rental shall conform to the information submitted with the application for registration of the vacation rental and to the information shown on the certificate of registration for the vacation rental, specifically including, but not limited to, maximum occupancy. It shall be a violation of this article for the owner to advertise the vacation rental as being available for occupancy at a level that exceeds the maximum occupancy established for the vacation rental under this article. The existence of advertising through any medium which describes the vacation rental as being available for occupancy at a level that exceeds the maximum occupancy established for the vacation rental under this article shall create a rebuttable presumption that the vacation rental identified in the advertising or advertisement was used in violation of this section.

Sec. 22-264. Violations of this Article

(a) Non-compliance with any provision of this article shall constitute a violation of this article. Violations of this article shall specifically include, but not be limited to, the following unlawful conduct.

(5) It is unlawful to rent out a vacation rental without a current certificate of registration issued by the city in accordance with this article.

(6) It is unlawful to advertise or otherwise offer a vacation rental for rent without a current certificate of registration issued by the city in accordance with this article.

(7) It is unlawful to rent a vacation rental for occupancy in excess of the applicable maximum occupancy.

(8) It is unlawful to be an occupant of a vacation rental at any time that the number of occupants of the vacation rental exceeds its maximum occupancy.

(9) It is unlawful to fail to post a copy of the certificate of registration in a vacation rental as required by this article or to fail to post any of the information required to be posted in the vacation rental under this article.

(10) It is unlawful to provide any false or misleading information in connection with any application for a certificate of registration, or for modification or renewal of a certificate of registration, as required by this article. Any knowing and intentionally false statements made in any such application, or any intentionally misleading information submitted in connection with an application, may subject the applicant to a fine, revocation of the certificate of registration and such further penalties as described herein or otherwise provided by law.

(b) Each day a violation exists shall constitute a separate and distinct violation.

Sec. 22-265. Enforcement and Remedies

(a) Code enforcement related violations of this article shall be undertaken in accordance with F.S. ch. 162, the City of Deltona Code of Ordinances and this article.

(b) The city may utilize F.S. ch. 162, Part 1, to prosecute a violation of this article or other code violations with respect to a vacation rental and in such cases, the special magistrate shall be authorized to hold a hearing, to assess penalties and to order other relief in accordance with Article II of the Code of Ordinances and this article.

(b) Nothing herein shall prevent the city from seeking all other available remedies which may include, but shall not be limited to, suspension of a certificate of registration, injunctive relief, liens, and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

Sec. 22-266. Immunity of Enforcement Officer.

Any person authorized by the City of Deltona to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Article.

ARTICLE VIII. RENTAL PROPERTIES/VACATION RENTALS

Division I – Rental Properties

Sec. 22-231. Short title.

This article shall be known and may be cited as the "Deltona Real Property Rental Inspection Ordinance".

(Ord. No. 11-2007, § 1, 5-21-2007)

Sec. 22-232. Intent.

The intent of this Division is to protect the public health, safety and welfare; to provide the means to give adequate notice to owners of residential property in the city who may not reside in that property as to their responsibilities under city codes and ordinances; and to ensure that rental properties are maintained in a high quality manner as required of all residential properties.

(Ord. No. 11-2007, § 2, 5-21-2007)

Sec. 22-233. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Change in occupancy means any change in occupancy of the majority of adult occupants of a dwelling,

High-Risk Occupancy. An occupancy that has a history of high frequency of fires, high potential for loss of life or economic loss, or that has a low or moderate history of fires or loss of life but the occupants have a high dependency on the built-in fire protection features or staff to assist in evacuation during a fire or other emergency.

Examples include multiple-family dwellings, high-rise buildings, hotels, dormitories, lodging and rooming.

Immediate family means any individual who is a relative or legal dependent of the property owner, to include spouse, children, step-children. parent, step-parent, foster parent, foster children, grandparent, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, or legal guardian.

28 *Local agent* means any person or firm who has charge, care or control of a building, or
29 part thereof, in which rental dwelling units are maintained.

30 *Local business tax receipt* means the document issued by the city which evidences
31 that the person in whose name the document is issued has complied with the provisions of
32 the city ordinance relating to the local business tax for the privilege of engaging in or
33 managing any business, profession, or occupation within its jurisdiction.

34 *Local point of contact* means a person who resides or has a business location within a
35 50-mile radius of the subject property.

36 *Property manager* shall mean a party designated by the Owner as responsible for
37 inspecting, maintaining and securing the property as required by this Article.

38 *Property owner* means any person, agent, operator, firm, corporation, partnership,
39 association, property, maintenance group, or fiduciary having equal, equitable, or other
40 interest in real property; or recorded in the official records as holding title to the property;
41 or otherwise having control of the property, including the local agent or the guardian of
42 the estate of any such person and the executor or administrator of such person's estate.
43 When used in this article prescribing any activity or imposing a penalty, the term "property
44 owner," as applied to partnership and associations, shall mean each partner and as applied
45 to corporations, the officers thereof.

46 *Rental inspector* means any designated employee or agent of the city whose duty it is
47 to enforce codes and ordinances enacted by the city.

48 *Rental property* means any structure or portion of a structure within the City of
49 Deltona which is occupied by someone other than the Owner or Landlord of the real
50 property for residential or commercial purposes for periods longer than 30 days, including
51 but not limited to the following: any living quarters or accommodations in any hotel,
52 apartment hotel, motel, resort motel, apartment, apartment motel, rooming house,
53 mobile home, mobile home park, mobile home space, recreation vehicle park, town home,
54 or condominium and for which the Owner and/or Landlord received any value or
55 consideration, including not limited to money, or the exchange of goods or services,
56 regardless of the relationship between lessor and lessee.

57 *Special magistrate* means a person designated by the city commission pursuant to
58 applicable provisions of this Code, as amended from time to time, who is hereby given
59 authority to hear violations and appeals as specified in this article.

60 *Vacancy* means any change in the occupancy of the majority of a rental dwelling unit.
61 The term "vacancy" may be used interchangeably with the term "change in occupancy."

62 (Ord. No. 11-207, § 3, 5-21-2007)

Sec. 22-234. License required for rental dwelling.

It is prohibited and unlawful for any property owner or other person, firm, corporation or other entity to operate or cause to be rented any rental dwelling unit, either as lessor, owner or agent, without having first obtained a rental license in compliance with the provisions of this article.

(Ord. No. 11-2007, § 4, 5-21-2007)

Sec. 22-235. Rental license application; exemptions from licensing and inspections.

(a) The owner of each existing rental dwelling unit existing as of the effective date of the ordinance from which this article is derived, unless the dwelling has a valid license, shall file an application for a rental dwelling unit license for each rental dwelling unit on a form prescribed by the city. In the case of a property owner making application for a multi-unit building consisting of five or more rental dwelling units (for example, apartment complexes) at one location, only one application per building shall be filed; however, the license fee shall be determined by the number of rental dwelling units. In addition, the owner of each rental dwelling unit constructed or converted to rental use after the effective date of the ordinance from which this article is derived shall file an application for a rental dwelling unit license on a form prescribed by the city prior to any initial occupancy.

(b) An agent may apply for a rental license upon exhibiting a sworn statement from the property owner, provided that the written authorization acknowledges receipt of a copy of this article and acknowledges that failure to abide by this article or other applicable codes and ordinances may result in a lien upon other property of the owner.

(c) *Exemptions. No rental license or inspection is required of any:*

(1) Property owner who occupies a single-family dwelling unit, so long a tenant lives with the owner;

(2) Rented duplex or triplex or quadraplexes units in which the property owner resides within the attached on-site dwelling unit; or

(3) Residential units required to be inspected on a periodic bases for compliance with state or federal housing standards (for example, apartment complexes); provided, however, that the property owner must submit to the city a certificate of inspection or other documentation verifying the compliance with said standards; furthermore, nothing herein shall prohibit the city from conducting a complaint-driven or inspector-initiated inspection of such dwelling unit.

(4) High-risk occupancies required to be inspected annually in accordance with the Florida Fire Prevention Code (FFPC) most recently adopted edition as outlined in NFPA 1: 10.2.7 the minimum inspection frequency table.

Nothing in these exemptions otherwise excuses property owners from compliance with the International Property Maintenance Code or any other applicable codes ordinances. (Ord. No. 11-2007, § 5, 5-21-2007; Ord. No. 01-2013, § 1, 2-18-2013)

Sec. 22-236. Rental license fee and inspection fee

- (a) Each property owner that rents a dwelling unit is subject to the provisions of this article and shall register for a one-time rental license and certificate of inspection. Existing rental dwelling units with a valid license and certificate of inspection at the adoption date the ordinance from which this article is derived shall remain active and be considered registered unless there is a change in ownership under subsection (b) of this section.
- (b) If the property continues to be used a rental dwelling unit, the current license and certificate of inspection may be transferred to the new owner. However, the new property owner shall submit a new, completed application in compliance with the requirements of this article, or provide the city with an affidavit stating that the structure has been inspected and meets the minimum criteria as outline in the inspection checklist adopted by the city. A license and certificate of inspection shall terminate upon failure to apply for a transfer within 30 days of the date of sale or transfer of ownership of a rental dwelling unit.
- (c) Every three years, the property owner shall schedule and complete a rental inspection to confirm the structure meets the minimum criteria as outline in the inspection checklist. A new certificate of inspection shall be issued upon passing the inspection.
- (d) High-risk occupancies will undergo a fire safety inspection annually in accordance with the Florida Fire Prevention Code (FFPC) most recently adopted edition as outlined in NFPA 1: 10.2.7 the minimum inspection frequency table. The fire department will utilize the standardized fire safety inspection report specifically designed to document deficiencies in accordance with the FFPC.
- (e) An inspection fee shall be assessed and paid before a rental inspection is conducted and a certificate of inspection is issued, pursuant to Section 22-237. The inspection fee shall be established by resolution of the city commission.
- (f) No refunds for license or inspection fees shall be made to those discontinuing operation or who sell, transfer, give away, or otherwise dispose of a licensed property to another property owner.

(Ord. No. 11-2007, § 6, 5-21-2007)

Sec. 22-237. Rental inspection program requirements.

The following requirements shall apply to all rental dwelling units within the city:

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- (1) This inspection program applies to all rental dwelling units. In the first instance that a dwelling unit has a change in occupancy to rental, a valid certificate of inspection must be obtained from the city for that unit before it can be lawfully occupied by a tenant.
- (2) It is prohibited and unlawful for any owner of a dwelling unit to allow any tenant to occupy that housing unit if the required certificate of inspection provided by the property owner stating that the structure has been inspected and meets the minimum criteria of the inspection checklist for that unit has not been issued by the city at the time of the occupancy commenced for that tenant.
- (3) After a dwelling unit has been inspected, the certificate of inspection shall be issued by the city of that dwelling unit and property comply with all applicable codes of the city.
- (4) If the dwelling unit does not comply with the applicable provisions of all city codes, that dwelling unit must be brought into compliance before a certificate of inspection will be issued and occupancy allowed.
- (5) If the property does not comply with the applicable provisions of all city codes, the property shall be brought into compliance before a certificate of inspection will be issued for a housing unit.
- (6) For inspection involving multiple residential dwelling units (for example, apartment complexes) which exceed four at one location and upon the consent of the owner, or designee, or issuance of an administrative inspection warrant, a random sampling of the properties may be inspected at the discretion of the building official or fire chief, or their designees. The minimum random sampling of the property is 30 percent of the rental dwelling units, and the maximum is 100 percent of the rental dwelling units. For purposes of calculating inspection totals, any fractional portion of a unit shall be counted as an additional unit being inspected.
- (7) Rental dwelling units contained in structures that are less than five years old are exempt from the inspection process, but are not exempt from obtaining a rental license. This exemption recognizes that newer structures receive initial inspections per the building code process, and no further duplication is required for five years.
- (8) High-risk occupancies will undergo a fire safety inspection annually in accordance with the Florida Fire Prevention Code (FFPC) most recently adopted edition as outlined in NFPA 1: 10.2.7 the minimum inspection frequency table. The fire department will utilize the standardized fire safety inspection report specifically designed to document deficiencies in accordance with the FFPC.
- (9) If the current certificate of inspection is lost or destroyed, the property owner or agent may request the city to issue a duplicate certificate without charge.

(Ord. No. 11-2007, § 7, 5-21-2007)

Sec. 22-238. Conduct of inspections.

Each property owner engaged in the business of renting dwelling units shall undertake to make such property available for a reasonable inspection of the exterior and interior of the dwelling to determine compliance with the city's code, provided that the city shall at all times honor the rights of the property owner and the tenant.

(1) Inspection required under this article shall be made only by rental inspectors designated by the city manager. A law enforcement officer may accompany rental inspectors, provided that there is probable cause to believe that an inspector's personal safety is at risk during the inspection. No other unqualified person may accompany rental inspectors without consent of the property owner or tenant.

(2) Inspections shall be made at the request of the tenant, at the request of the property owner when the property is unoccupied between rental, or when the rental inspector has reasonable suspicion, supported by a sworn affidavit, to believe that a health or safety violation exists inside the dwelling. Inspection fees shall not be charged for tenant requested inspections or nonrequested inspections by the rental inspector if no violation is found.

(3) High-risk occupancies will undergo a fire safety inspection annually in accordance with the Florida Fire Prevention Code (FFPC) most recently adopted edition as outlined in NFPA 1: 10.2.7 the minimum inspection frequency table and a fee will be charged pursuant to Section 22-237. The fire inspection fee shall be established by resolution of the city commission.

(4) The rental inspector shall make his inspections during normal working hours, unless:

a. The rental inspector has made an appointment for another inspection time, at the request of the property owner or tenant; or

b. The rental inspector has previously attempted, two or more time, to complete an inspection during normal working hours and has found no adult person on the premises authorized to admit the inspector.

(5) At the commencement of each inspection, the rental inspector shall exhibit his credential and identification and advise the property owner, tenant, or adult person authorized to admit the inspection that an inspection is required under the provisions of this article.

(6) If the rental inspector is denied admittance by the property owner, tenant, or local agent, or if the rental inspector fails in at least three attempts to complete an inspection of the premises because there is no adult person on the premises to admit the inspector, the rental inspector shall provide notice of failure of inspection to the property owner, by certified mail to the address shown on the license. Within three days of refusal of such notice, the property owner shall arrange the admittance of the inspector to the premises for the completion of the required inspection. If the property owner fails to arrange such

admittance, the city shall revoke, in accordance with the requirements of controlling law relating to administrative due process, the license and certificate of inspection and shall notify the property owner of such revocation by certified mail. If the property owner thereafter continues to permit the rental of the premises without inspection, the property owner shall be subject to proceedings before the city's special magistrate for violation of this article and for any other code violations which may be apparent.

(Ord. No. 11-2007, § 8, 5-21-2007; Ord. No. 01-2013, § 2, 2-18-2013)

Sec. 22-239. Property Maintenance Requirements

- (a) Properties subject to this Article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.
- (b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration is required.
- (d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- (f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (g) Failure of the Owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the City of Deltona. Pursuant to a finding and determination by the Special magistrate, the City of Deltona may take the necessary action to ensure compliance with this section.
- (h) In addition to the above, the property is required to be maintained in accordance with all applicable City, State, and Federal codes and regulations.

Sec. 22-240. Nontransferability.

A rental license, certificate of inspection, temporary certificate of inspection, or temporary waiver of certificate of inspection shall not be transferred to any other rental dwelling unit.

Sec. 22-241. Nonliability of city.

A rental license, certificate of inspection, temporary certificate of inspection, temporary waiver of certificate of inspection, inspection or re-inspection is not a representation, guarantee, or warranty of any kind by the city of the fitness of the rental dwelling unit for which the license and certificate were issued, nor is it a representation, warranty, or guarantee of any kind by the city that such rental dwelling unit is in compliance with city codes. No person shall rely on the rental license or certificate of inspection as a representation of the condition of such unit. A statement is substantially this form shall appear on each rental license receipt and certificate of inspection issued by the city.

Sec. 22-243. Violations of this Article

(a) Non-compliance with any provision of this article shall constitute a violation of this article. Violations of this article shall specifically include, but not be limited to, the following unlawful conduct.

- (1) It is unlawful to rent out a rental property without a current certificate of registration issued by the city in accordance with this article.
- (2) It is unlawful to advertise or otherwise offer a rental property for rent without a current certificate of registration issued by the city in accordance with this article.
- (3) It is unlawful to rent a rental property for occupancy in excess of the applicable maximum occupancy.
- (4) It is unlawful to provide any false or misleading information in connection with any application for a certificate of registration, or for modification or renewal of a certificate of registration, as required by this article. Any knowing and intentionally false statements made in any such application, or any intentionally misleading information submitted in connection with an application, may subject the applicant to a fine, revocation of the certificate of registration and such further penalties as described herein or otherwise provided by law.

(b) Each day a violation exists shall constitute a separate and distinct violation.

Sec. 22-244. Enforcement and Remedies

(a) Code enforcement related violations of this article shall be undertaken in accordance with F.S. ch. 162, the City of Deltona Code of Ordinances and this article.

(b) The city may utilize F.S. ch. 162, Part 1, to prosecute a violation of this article or other code violations with respect to a vacation rental and in such cases, the special magistrate shall be authorized to hold a hearing, to assess penalties and to order other relief in accordance with Article II of the Code of Ordinances and this article.

(b) Nothing herein shall prevent the city from seeking all other available remedies which may include, but shall not be limited to, suspension of a certificate of registration, injunctive

relief, liens, and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

Sec. 22-245. Immunity of Enforcement Officer.

Any person authorized by the City of Deltona to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Article.

Division II – Vacation/Short Term Rentals

Sec. 22-246. Statement of Intent.

It is the intent of this article to regulate vacation rentals as defined by the Florida Statutes which are located in all zoning areas of the city.

The general purpose of this article is to ensure to the city’s residents the tranquility and peaceful enjoyment of their homes and their neighborhoods; to mitigate incompatibilities between vacation rentals and resident occupied homes and to protect the safety of occupants of vacation rentals and their guests. The city intends to address complaints associated with unsupervised vacation rentals in the manner set forth herein, including, but not limited to establishing a mandatory annual registration system for vacation rentals; specifying maximum occupancy limits; requiring inspections; requiring the owner of a vacation rental to designate an individual to be responsible for the vacation rental; to be aware of the condition and use of the vacation rental and to be able to quickly respond to complaints and immediate problems associated with the vacation rental.

Sec. 22-247. Definitions.

For purposes of this article, the following terms, words, and phrases shall have the meaning set forth in this article. Whenever applicable, the singular shall include the plural.

Bedroom means any room in a vacation rental that contains a minimum of 100 square feet; which has a bed or other place for sleeping; and which has either a separate closet that is an integral part of the permanent construction within the bedroom or an en suite bathroom. This definition does not include a bathroom, a kitchen, a dining area or any main living area. If a room has been added, altered or converted without require building permits having been issued, such room shall not be deemed a bedroom.

Certificate of registration means the document that is issued by the city in accordance with Section 22-249 to show that the vacation rental described on the certificate is currently registered with the city as required by section 22-248.

Guest means any person physically within the vacation rental or on its grounds with the knowledge of an occupant. *Maximum Occupancy* means the maximum number of persons who may be occupants of a vacation rental at the same time.

317 *Occupant* means any person who occupies a vacation rental overnight.

318 *Owner or vacation rental owner* means a natural person or legal entity holding all or a
319 portion of the fee simple title to a vacation rental, whether an individual, partnership,
320 corporation, limited liability company, trust, or other entity. In the event that the vacation
321 rental owner is not an individual, each and every person who owns an equitable interest in
322 the vacation rental shall be considered an owner.

323 *Owner occupied* means a vacation rental this is the primary and permanent residence
324 of the owner of the property.

325 *Pre-existing rental agreement* means a written agreement with prospective occupants
326 allowing them to stay in a vacation rental which agreement was fully executed as of the
327 effective date of this article.

328 *Vacation rental* shall have the meaning as defined in F.S. ch. 509, as may be amended.

329 **Sec. 22-248. Mandatory registration**

330 (a) No vacation rental shall be rented or offered for rent without a current valid certificate of
331 registration. Failure to possess a current valid certificate of registration while renting or
332 occupying a vacation rental is a violation of this section. Every vacation rental owner,
333 either personally, or through an agent, shall apply to the city for an initial certificate of
334 registration, utilizing forms promulgated by the city by no later than October 1, 2025, and
335 shall obtain a certificate of registration by no later than December 31, 2025. Every vacation
336 rental owner, either personally or through an agent, shall apply to the city for a renewed
337 certificate of registration, utilizing forms promulgated by the city, each successive year
338 thereafter, and shall be filed with the city a minimum of 90 days prior to the expiration of
339 the certificate of registration. A separate certificate of registration shall be required for
340 each vacation rental. The operation of a vacation rental without a certificate of registration
341 after December 31, 2025, shall be a violation of this section. Every day of such operation
342 without registration shall constitute a separate violation.

343 (b) An application for a certificate of registration shall contain a statement from the vacation
344 rental owner, under penalty of perjury, that the owner represents that the information
345 provided on the application and the information submitted with the application is true and
346 accurate to the best of the owner's knowledge and belief. The application shall be
347 accompanied by the following materials and information:

348 (1) A completed application for vacation rental certificate of registration form supplied by
349 the city. At a minimum, the application form shall include the street address of the
350 vacation rental, the legal description of the property on which the vacation rental is
351 located; the name, address, electronic mail address and telephone number of the
352 vacation rental owner(s); and the name, address, electronic mail address and
353 telephone number of the designated responsible party if different from the owner.

354 (2) Proof of current ownership of the vacation rental property.

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- 355 (3) Payment of the annual registration fee.
- 356 (4) A form supplied by the city entitled "designation of responsible party" signed by the
357 owner of the vacation rental or authorized representative, naming a designated
358 responsible party who shall have the duties listed in Section 22-260. The vacation
359 rental owners may appoint himself or herself as the designated responsible party or
360 shall otherwise designate someone to act as the designated responsible party on his or
361 her behalf.
- 362 (5) A written acknowledgement form signed by the designated responsible party
363 acknowledging that he or she is aware of the provisions of this article and that he or
364 she agrees to serve in the capacity of designated responsible party for the vacation
365 rental being registered and that he or she agrees to discharge the duties of a
366 designated responsible party as set forth in section 22-260.
- 367 (6) A copy of the Business Tax Receipt showing payment of the City of Deltona local
368 business tax for the vacation rental for the current fiscal year or other proof of
369 payment.
- 370 (7) Evidence that the vacation rental has a current and active account with the county tax
371 collector for the purposes of collecting and remitting tourist development taxes and
372 any other taxes required by law to be remitted to the county tax collector.
- 373 (8) A copy of a current and active license for the vacation rental issued by the state
374 department of business and professional regulation showing that the vacation rental is
375 licensed as a transient public lodging establishment.
- 376 (9) A copy of the current and active certificate of registration with the state department of
377 revenue for the vacation rental showing that the vacation rental is registered for the
378 purposes of collecting and remitting sales taxes, transient rental taxes and any other
379 taxes require by law to be submitted to the state department of revenue.
- 380 (10) The number of bedrooms in the vacation rental.
- 381 (11) The number of full bathrooms (sink, toilet, and bathtub or shower) in the
382 vacation rental.
- 383 (12) The square footage of temperature-controlled living space within the vacation
384 rental.
- 385 (13) An exterior site sketch of the vacation rental facility. The sketch shall show and
386 identify all structures, pools, hot tubs, spas, fencing and uses, including areas provided
387 for off street parking. For purposes of the sketch, off street parking spaces shall be
388 delineated as to enable a fixed county of the number of spaces provides in accordance
389 with section 22-259. At the option of the vacation rental owner, such sketch may be
390 hand drawn and need not be professionally prepared, but shall be sufficient for staff to
391 determine compliance with this article. Photographs of the exterior of the site may be

submitted in lieu of a sketch, provided such photographs shall be sufficient for staff to determine compliance with this article.

(14) An interior building sketch for each floor in the vacation rental showing the floor plan layout and identifying all bedrooms, other rooms, exits, hallways and stairways and elevators as may be applicable. At the option of the vacation rental owners, such sketch may be hand drawn and need not be professionally prepared, but shall be sufficient for staff to determine compliance with this article. Photographs of the interior of the building may be submitted in lieu of a sketch, provided such photographs shall be sufficient for staff to determine compliance with this article.

(15) A blank sample of the rental lease agreement to be used for the vacation rental.

(16) An affidavit executed by the owner on a form provided by the city, representing that he or she is aware of the city rules regulating vacation rentals.

(17) If the application for registration is being submitted on behalf of the owner of the property by his or her authorized representative, a letter of authorization from the owner representing that the representative is authorized to act on his or her behalf.

(18) A copy of all pre-existing rental agreements for the vacation rental.

(19) Any other information which may be reasonably requested by the city to verify compliance with the terms of this article.

(c) Submission of an incomplete application for registration or a submission not accompanied by all of the applicable requirements of this section shall result in rejection of the application. If the submission for registration is incomplete, the applicant shall be notified of the deficiencies and shall be allowed 20 calendar days to provide any missing information, to pay any unpaid registration or inspection fees, or to address code compliance penalties. If the missing information is not provided or fees or penalties not paid within 20-day period, the application shall be deemed withdrawn. If the information is timely provided and any delinquent fees are timely paid, the application shall be processed.

Sec. 22-249. Certificate of registration

(a) A certificate of registration for a vacation rental shall be issued if each of the following conditions has been satisfied:

(1) The application for a certificate of registration is complete and the applicant has submitted all documents and information required by Section 22-248.

(2) The applicant has paid all required fees and any fines or penalties previously imposed on the vacation rental unit.

(3) The vacation rental has been inspected as required by section 22-254 and the inspection shows that the vacation rental is in compliance with the applicable building codes, and property maintenance code in effect at the time the certificate of

occupancy was issued, and is in compliance with the provisions of this article, specifically including, but not limited to, the minimum safety requirements of section 22-257 and the posting requirements of section 22-258, and is in compliance with other applicable city ordinances.

(4) The vacation rental has been inspected as required by section 22-254 and the inspection shows that the vacation rental is in compliance with the applicable Florida Administrative Code (FAC) Chapter 69A-43 Uniform Fire Safety Standards for Transient Public Lodging Establishments, Timeshare Plans, and Timeshare Unit Facilities' and is in compliance with the provisions of this article, specifically including, but not limited to, the minimum safety requirements of section 22-257 and the posting requirements of section 22-258.

(b) All certificates of registration shall be issued on a calendar year basis and shall be considered current and valid until the end of the calendar year for which they were issued unless suspended in accordance with this article.

(c) Each vacation rental shall require a separate certificate of registration. The certificate of registration shall contain the street address of the vacation rental, the name of vacation rental owner, the name and telephone number of the designated responsible party, the expiration date of the certificate and shall also state the maximum occupancy of the vacation rental.

(d) If the violation history of the vacation rental identified in the initial application for a certificate of registration shows any violations of city codes with associated unpaid penalties or unsatisfied liens, the initial certificate of registration shall not be issued until all outstanding penalties or liens are first paid or satisfied.

Sec. 22-250. Renewal of Registration

(a) All certificates of registration shall expire on December 31 of each year. An owner or authorized representative shall renew the registration annually and obtain a new certificate of registration prior to December 31 of each year after the initial registration. An application for renewal shall be filed during the registered period for the upcoming year - no earlier than August 1 and by no later than October 1 each year and all inspections shall be conducted and a determination of compliance shall be made by December 31. If no changes have occurred to the vacation rental since the issuance of the most recent certificate of registration, then no additional submittals of the items enumerated in paragraphs (1) through (19) in Section 22-248(b) above shall be required with the application for a renewed certificate of registration.

(b) A certificate of registration shall not be issued or renewed if there are any outstanding fines, penalties or liens related to violations of this article or any provision of the City of Deltona Code of Ordinances applicable to the vacation rental. In addition, a certificate shall not be issued or renewed if there are any unpaid taxes, permit fees, or other financial

obligations owed to the City. Issuance or renewal shall only occur after all such outstanding amounts have been paid in full or otherwise satisfied.

- (c) In the event of a change in ownership of the vacation rental property, the new owner must update the registration information within 30 days of the transfer of ownership. If the registration fee for the current year has already been paid by the previous owner, no additional fee shall be required for the balance of that year. However, the new owner must submit an updated application with the required information to reflect the change in ownership. A new fee will be due at the time of renewal, as per the regular registration schedule.

Sec. 22-251. Amendment of Certificate of Registration

An amendment of the certificate of registration shall be required in the event that any of the following changes to the vacation rental occur.

- (a) An increase in the number of bedrooms in the vacation rental.
- (b) An increase in the square footage of temperature-controlled living space within the vacation rental.
- (c) An increase in the maximum occupancy of the vacation rental.
- (d) An increase or decrease in the number of parking spaces or a change in the location of parking spaces for the vacation rental.

Sec. 22-252. Change in Ownership of the Vacation Rental

When a vacation rental is sold or ownership is otherwise transferred, the new owner shall apply for a new certificate of registration with the city within 15 days from the date of the sale or transfer, and shall obtain a new certificate of registration. If the new owner fails to apply for a new certificate of registration as provided in this article, any certificate of registration previously issued for that vacation rental shall become null and void on the 16th day following such sale or transfer. An inspection of the vacation rental is required whenever there is new certificate of registration application due to a change of ownership. The new certificate of registration will still be required as outlined in Section 22-248.

Sec. 22-253. No Vested Rights, Estoppel of Waiver

The issuance of a certificate of registration as required by Section 22-249 above shall not be construed to create any vested rights or entitle the owner of the registered vacation rental to any rights under the theory of estoppel. The issuance of a certificate of registration shall not be construed as a waiver of any other requirements contained within the City of Deltona Code of Ordinances.

Sec. 22-254. Inspections of Vacation Rentals

- (a) Upon the filing of an application for a certificate of registration and prior to issuance, the vacation rental shall be subject to an initial inspection to verify compliance with applicable building codes and property maintenance code in effect at the time the certificate of occupancy was issued, and to confirm that the vacation rental is in compliance with this article and with all applicable provisions of the City's Code of Ordinances, including the international property maintenance code. The designated responsible party shall schedule and confirm all inspections required by this article with the city.
- (b) Upon the filing of an application for a certificate of registration and prior to issuance, the vacation rental shall be subject to an initial inspection to verify compliance with the applicable Florida Administrative Code (FAC) Chapter 69A-43 Uniform Fire Safety Standards for Transient Public Lodging Establishments, Timeshare Plans, and Timeshare Unit Facilities' and to confirm that the vacation rental is in compliance with this article. The designated responsible party shall schedule and confirm all inspections required by this article with the city.
- (c) Once a vacation rental has received a certificate of registration, subsequent renewals shall not require an inspection unless the vacation rental has not been inspected within the five years immediately preceding the renewal date. Renewals requiring re-inspection shall be filed with the city a minimum of 90 days prior to the expiration of the certificate of registration.
- (d) Vacation rentals shall undergo a fire safety inspection annually in accordance with the Florida Fire Prevention Code (FFPC) most recently adopted edition as outlined in NFPA 1: 10.2.7 the minimum inspection frequency table.
- (e) If instances of non-compliance with applicable building codes, fire prevention code or other provisions of this article or the City's Code of Ordinances are discovered upon inspection, such non-compliance shall be corrected and the vacation rental re-inspected within 30 calendar days after written notice of such violation(s) is provided to the designated responsible party.
- (f) If the inspector is denied admittance by the designated responsible party or if the inspector is otherwise unable, following at least three attempts, to complete an initial or a subsequent inspection of the vacation rental, the inspector shall provide a notice of inability to conduct the inspection to the vacation rental owner or to the designated responsible party at the address shown on the application for registration or on the certificate of registration. In such circumstances no certificate of registration shall be issued or renewed until the inspection has been conducted. The issuance of a notice of inability to conduct an inspection after the third failed attempt shall be deemed a violation of this article and shall be subject to enforcement remedies as provided in this article.

Sec. 22-255. Property Maintenance Requirements

- (a) Properties subject to this Article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.
- (b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration is required.
- (d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- (f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (g) Failure of the Owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the City of Deltona. Pursuant to a finding and determination by the City of Deltona, Magistrate, the City of Deltona may take the necessary action to ensure compliance with this section.
- (h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the City of Deltona.

Sec. 22-256. Schedule of Fees

A schedule of fees shall be adopted by resolution of the City Commission and maintained by the City Clerk.

Sec. 22-257. Minimum Safety Requirements

- (a) A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, F.S. ch. 515.
- (b) The vacation rental shall have a functioning smoke and carbon monoxide detection and notification system which shall be installed and continually maintained consistent with the requirements of Section R314, Smoke Alarms and Section R315, Carbon Monoxide Alarms of the Florida Building Code - Residential.

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- (c) The vacation rental shall comply with the applicable Florida Administrative Code (FAC) Chapter 69A-43 Uniform Fire Safety Standards for Transient Public Lodging Establishments, Timeshare Plans, and Timeshare Unit Facilities' requirements.

Sec. 22-258. Minimum Posting Requirements

- (a) The following information shall be posted in a conspicuous location on an interior wall inside the vacation rental for the safety and convenience of the occupants:
- (1) The location of the nearest hospital.
 - (2) The non-emergency sheriffs telephone number.
 - (3) The dates and approximate times of trash pickup.
 - (4) The street address and land line telephone number of the vacation rental.
 - (5) The name and phone number of the designated responsible party.
 - (6) Emergency evacuation instructions.
- (b) The following additional information shall also be posted in a conspicuous location on an interior wall inside the vacation entry in close proximity to the main entrance:
- (1) The maximum occupancy of the vacation rental.
 - (2) The maximum number of vehicles that are permitted to park at the vacation rental based on the number of off -street parking spaces on site, including enclosed spaces as determined by city staff.
 - (3) A notice of the need to respect the peace and quiet of neighboring residents which shall state as follows: "You are vacationing in a residential area. Please be a good neighbor by not making excessive noise or engaging in boisterous behavior, especially after 11:00 pm. Such behavior can deprive your neighbors of the peaceful enjoyment of their homes."
 - (4) A statement that sound is audible beyond the property lines of the vacation rental unit is regulated by the city's noise ordinance and that violation of the noise ordinance could result in fines to the occupants.
 - (5) A statement that dogs which are not within a fences area must be on leash pursuant to city ordinance, and failure to adhere to such requirements could result in fines.
 - (6) A statement that recreational vehicles, boat and trailers may not be parked in the front of the house, except for temporary loading, unloading and cleaning.
- (b) A copy of the certificate of registration for the vacation rental shall be posted next to or one the interior side of the primary door to the vacation rental.

Sec. 22-259. Parking

Based on the maximum short-term/vacation rental occupancy permitted, minimum off-street parking shall be provided as one (1) space per three (3) occupants. Garage spaces shall count if the space is open and available and the occupants are given vehicular access to the garage. On-street parking shall not be permitted.

Sec. 22-260. Designated Responsible Party

(a) The duties of the designated responsible party, whether the owner or the owner's authorized representative are as follows:

- (1) To be available by land line or mobile telephone at one of the listed phone numbers provided to the city in the application for registration 24 hours a day, seven days a week, and to be capable of handling any issues arising from the use of the vacation rental.
- (2) To be available 24 hours a day, seven days a week for the purpose of promptly responding to complaints regarding the conduct or behavior of vacation rental occupants or their guests, or regarding alleged violations of this article. The designated responsible party shall have the authority to immediately address and take action, within one hour of notice from the city, to address complaints, including but not limited to, safety issues, noise or parking.
- (3) To come to the vacation rental within one hour following notification from an occupant, the owner, or the city, with authority to address and to coordinate solutions to problems or issues associated with the vacation rental.
- (4) To receive service of any legal notice on behalf of the owner for violations of this article or other law or ordinance.
- (5) To exercise all rights of the owner under F.S. 509.141, 509.142 and 509.143, to deal with unruly occupants and their guests in the vacation rental.
- (6) To maintain continuous compliance with the interior posting requirements of section 22-258.
- (7) To maintain the vacation rental premises free of garbage and litter.
- (8) To otherwise monitor the vacation rental at least once a week when rented to check upon the condition of the unit and the occupants compliance with this article.
- (9) To be informed as to the names, addresses and email addresses and phone numbers of all occupants and as to the number of occupants during each rental period.
- (10) To provide the city with notice of resignation as designated responsible party in writing at least one week in advance of the effective date of the resignation.

(b) A designated responsible party must have authority to consent to allow all inspectors access to the vacation rental property to conduct inspections.

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- (c) It shall be the sole responsibility of the owner to appoint a reliable designated responsible party and to inform the city of his or her contact information as part of the applicable for registration as provided in section 22-248(b) above. Failure to do so shall not be a defense to an alleged violation of this article.
- (d) An owner may change his or her designated responsible party temporarily or permanently. However, there shall only be one designated responsible party for each vacation rental property at any one time. To change the designated responsible party, the owner shall notify the city in writing on a form to be provided by the city at least one week in advance.
- (e) Personal service on, or mailing or emailing of a notice of violation or other notices to, the designated responsible party shall be deemed valid service and notification of the owner or occupant.

Sec. 22-261. Maximum Occupancy

- (a) The following site considerations in subsection(s) 1. And 2., shall limit any short-term vacation rental occupancy to whichever is less as applicable, below
- (1) One person per 250 gross square feet of permitted, air-conditioned living space; or
 - (2) The maximum number of occupants allowed shall be restricted in accordance with any septic tank permit and the assumed occupancy/conditions pursuant to which the permit was issued.
- (b) The maximum occupancy restriction as set forth above shall not apply when the property is occupied by the vacation rental owner.
- (c) Notwithstanding the maximum occupancy provisions of this article, a vacation rental that was operating as a vacation rental as of the effective date of this article at an occupancy higher than would be allowed under this article, may apply for grandfathered status for a period of five years, as to occupancy for this five-year period to be based upon the following criteria and procedures.
- (1) A grandfathered vacation rental shall have its maximum occupancy based upon a maximum of two persons per bedroom plus four additional persons, and subject to proof of existing use at or above the requested occupancy as of effective date of this article. A change in the number of bedrooms at the vacation rental shall cause such vacation rental to lose its grandfathered status.
 - (2) The vacation rental owner, or agent as applicable (“grandfathering applicant”), shall complete an application for grandfathering (“grandfathering application”) as prescribed by the city, which shall be submitted under oath and upon penalty of perjury, and provide verifiable written proof of the number of bedrooms as herein defined in the vacation rental and the existing use of the vacation rental at or above the requested occupancy, as of the effective date of this article.

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- (3) The grandfathering application and supporting proof shall be submitted to city for review by city staff, and such staff shall make a written determination as to the maximum occupancy of such grandfathered vacation rental.
- (4) All grandfathering applications shall be submitted by no later than the time of application for a certificate of registration for the vacation rental, but in no event later than January 1, 2026. If a vacation rental has received a certificate of registration, but a final determination as to the grandfathering application has not yet been made, such vacation rental may allow occupancy up to the maximum occupancy requested in the grandfathering application until such time as a final determination as to occupancy has been made.

Sec. 22-262. Exemption From Maximum Occupancy limits for pre-existing rental agreements

- (a) The maximum occupancy limits contained in section 22-261 shall not apply to a pre-existing rental agreement entered into and fully executed prior to the effective date of this article. Notwithstanding any other provision of this article, occupancy pursuant to pre-existing rental agreements are exempt from the maximum occupancy limits of this article.
- (b) At the time of submittal of an application for a certificate of registration, the owner or agent shall submit proof of any pre-existing rental agreements, which should include the following information and any additional information which should support the request:
- (1) Copy of deposit or payment information evidencing that the agreement was an agreement that pre-dated the effective date of this article (i.e., a pre-existing rental agreement).
 - (2) Copy of emails or other written communication evidencing a pre-existing rental agreement.
 - (3) Information from the occupant confirming that there was a binding agreement in a time frame to make the agreement qualify as a pre-existing rental agreement.
 - (4) A written vacation rental agreement executed and dated prior to the effective date of this article.

Sec. 22-263. Advertising

Any advertising of the vacation rental shall conform to the information submitted with the application for registration of the vacation rental and to the information shown on the certificate of registration for the vacation rental, specifically including, but not limited to, maximum occupancy. It shall be a violation of this article for the owner to advertise the vacation rental as being available for occupancy at a level that exceeds the maximum occupancy established for the vacation rental under this article. The existence of advertising through any medium which describes the vacation rental as being available for occupancy at a level that exceeds the maximum occupancy established for the vacation rental under this article

shall create a rebuttable presumption that the vacation rental identified in the advertising or advertisement was used in violation of this section.

Sec. 22-264. Violations of this Article

(a) Non-compliance with any provision of this article shall constitute a violation of this article. Violations of this article shall specifically include, but not be limited to, the following unlawful conduct.

(5) It is unlawful to rent out a vacation rental without a current certificate of registration issued by the city in accordance with this article.

(6) It is unlawful to advertise or otherwise offer a vacation rental for rent without a current certificate of registration issued by the city in accordance with this article.

(7) It is unlawful to rent a vacation rental for occupancy in excess of the applicable maximum occupancy.

(8) It is unlawful to be an occupant of a vacation rental at any time that the number of occupants of the vacation rental exceeds its maximum occupancy.

(9) It is unlawful to fail to post a copy of the certificate of registration in a vacation rental as required by this article or to fail to post any of the information required to be posted in the vacation rental under this article.

(10) It is unlawful to provide any false or misleading information in connection with any application for a certificate of registration, or for modification or renewal of a certificate of registration, as required by this article. Any knowing and intentionally false statements made in any such application, or any intentionally misleading information submitted in connection with an application, may subject the applicant to a fine, revocation of the certificate of registration and such further penalties as described herein or otherwise provided by law.

(b) Each day a violation exists shall constitute a separate and distinct violation.

Sec. 22-265. Enforcement and Remedies

(a) Code enforcement related violations of this article shall be undertaken in accordance with F.S. ch. 162, the City of Deltona Code of Ordinances and this article.

(b) The city may utilize F.S. ch. 162, Part 1, to prosecute a violation of this article or other code violations with respect to a vacation rental and in such cases, the special magistrate shall be authorized to hold a hearing, to assess penalties and to order other relief in accordance with Article II of the Code of Ordinances and this article.

(b) Nothing herein shall prevent the city from seeking all other available remedies which may include, but shall not be limited to, suspension of a certificate of registration, injunctive relief, liens, and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

749 **Sec. 22-266. Immunity of Enforcement Officer.**

750 Any person authorized by the City of Deltona to enforce the sections here within shall be
751 immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property
752 while in the discharge of duties imposed by this Article.
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