

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2016-60

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, CREATING ARTICLE VIII, UNDER CHAPTER 14 OF THE CITY OF CORAL GABLES CODE PROHIBITING HOURLY HOTEL/MOTEL RENTALS, PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, ENFORCEABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is well established that hotels/motels that allow for the hourly rental of rooms, are frequented by individuals engaged in prostitution and/or human sex trafficking, as well as other illegal activity; and

WHEREAS, human sex trafficking has become an epidemic of significant consequences to our community such that the Miami-Dade State Attorney's Office established a Human Trafficking Unit in 2012 to more effectively combat the issue; and

WHEREAS, the U.S. Department of State estimates that as many as 600,000 to 800,000 individuals are trafficked across our nation's borders every year, with Florida receiving a high percentage of those victims; and

WHEREAS, victims of human sex trafficking are often exposed to serious health risks, including sexually transmitted diseases, drug and alcohol addiction, broken bones and burns, memory loss, miscarriages or forced abortions, as well as PTSD, anxiety, fear and psychological trauma; and

WHEREAS, individuals engaged in prostitution are exposed to similar physical and psychological effects; and

WHEREAS, Article 8 of the City of Coral Gables Zoning Code provides that all hotel/motel rentals within the City must be daily, weekly or monthly; and

WHEREAS, in CAO 2016-064, the City Attorney's Office opined that the Zoning Code, "does not permit the hourly rental of hotels...within the City as a whole; thus, hotels...within the City may not be designed or utilized for hourly rentals; and

WHEREAS, the City Commission wishes to create Article VIII, under Chapter 14 of the City Code, to reflect the prohibition in the Zoning Code that disallows hotel/motel room rentals by the hour;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. 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. Article VIII of the Code of the City of Coral Gables, Florida, under Chapter 14, is hereby created to read as follows:

Chapter 14 – Businesses

Article VIII, Rental periods for Hotels/Motels

Sec. 14-230 – Hotel/Motel rentals.

(a) *Hourly rentals prohibited.* It is illegal to rent hotel/motel rooms on an hourly basis. All hotel/motel rooms must be rented for a minimum of one (1) day.

(b) *Penalties.*

(1) An employee of a hotel/motel, who accepts payment for the rental of a hotel/motel room on an hourly basis, is subject to arrest and punishable by a fine of \$500 or 60 days in jail. The first time a law enforcement officer finds an employee violating this section, the employee shall be issued a warning. If the employee re-engages in the conduct, he/she will be arrested and/or fined, as provided for in this section.

(2) The owner or operator of any hotel/motel found to be renting hotel/motel rooms on an hourly basis is subject to the following:

(a) 1st violation within a 12-month period – warning

(b) 2nd violation within a 12-month period - \$1,000 fine

(c) 3rd violation within a 12-month period - \$5,000 fine and revocation of the Certificate of Use for the business.

(3) Any individual or business found to have facilitated prostitution, human sex trafficking or other illegal conduct is subject to a fine of up to \$15,000, as a code enforcement matter, revocation of the Certificate of Use for the business and forfeiture of the building under Sec. 932.701(2)(a)(6), F.S.

(c) *Cumulative remedies.* Remedies provided under this section are cumulative and do not preclude in any way, a law enforcement officer's right to effectuate an arrest for related criminal conduct or the City from seeking an injunction or other appropriate remedies. The City Attorney is authorized to file a civil action to enforce and collect attorney's fees and costs and such proceedings shall be expedited by the court.

(d) *Immunity.* The City and its elected and appointed officials, employees and agents are immunized from civil or criminal liability for actions taken in accordance with this section.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City Code, which provisions may be renumbered or re-lettered and the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

SECTION 6. If the City Code's Tables of Contents, Supplemental History Table, or other reference portions are affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. The City Commission directs that this Ordinance be sent to all neighboring municipalities.

SECTION 8. This Ordinance shall become effective upon the date of passage and adoption herein.

PASSED AND ADOPTED THIS SIXTH DAY OF DECEMBER, A.D., 2016.

(Moved: Keon / Seconded: Lago)

(Yeas: Quesada, Slesnick, Keon, Lago, Cason)

(Unanimous: 5-0 Vote)

(Agenda Item: E-3)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY