
Sec. 15-44. Oceanfront lighting.

It shall be unlawful for owners or occupants of oceanfront property to permit direct lighting from their property to illuminate the ocean beach so as to be a hazard to fledgling sea turtles in making their way from nests to the sea. All oceanfront and beachfront lighting shall be in accordance with City of Cocoa Beach Land Development Code Chapter IV, Article XI. The provisions hereof shall apply to the nighttime hours (dusk to dawn) during the period of May 1 to October 31 of each year.

(Ord. No. 854, § 1, 7-2-1987; Ord. No. 857, § 1, 8-20-1987; Ord. No. 1387, § 3, 6-16-2005)

Cross reference(s)—General penalty, § 1-8; animals and fowl, Ch. 4; beaches, fills, boats and waterways, Ch. 5; spill-over lighting standards for beachfront property, § 6-65; coastal construction code, § 6-66.

Sec. 26.5-56. Noise regulations; exceptions.

No person located in or on a vacation rental property at any time shall create, or cause to be created any noise or sound which is clearly audible within any other residence within the city limits of the City of Cocoa Beach when the residence in which the noise or sound is clearly audible has its windows and doors closed. This shall not include cries for emergency assistance or warning calls, properly functioning HVAC systems, pool pumps, lawn mowers, leaf blowers, or fire alarms or burglar alarms prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the vacation rental served by any such alarm to turn off the alarm. The provisions of this section are in addition to other noise regulations generally applicable in the city. When a vacation rental owner or vacation rental tenant is found guilty or is deemed to have been found guilty by payment of a fine for a noise violation of any kind in the city the special magistrate shall have the authority to require that the owner of the vacation rental equip the vacation rental with one (1) or more noise level detection devices approved by the city manager that will alert the property owner/responsible party and transient occupants to noise emanating from the vacation rental and all data produced by this device will be retained for a period of one hundred eighty (180) days and made available to the city upon request. The special magistrate shall not require the vacation rental owner to equip the vacation rental with one (1) or more noise detection devices unless the special magistrate shall have determined, after reviewing one (1) or more sworn statements, hearing relevant testimony and argument, that the noise found to be in violation substantially and negatively affected one (1) or more surrounding neighbors.

(Ord. No. 1697, § 1(Exh. A), 4-17-2025)

Sec. 26.5-57. Noise regulations; penalties.

- a. Noise violations may be enforced utilizing any legal means, including, but not limited to, citations issued by code officers, police officers, or any other person designated by the city manager, arrest, actions before the special magistrate, suspension of registration, or injunctive relief. Citations issued to renters shall be in amounts as set by resolution of the city commission. The provisions of (b) below shall not be construed to prevent the city from enforcing noise ordinances against vacation rentals under the provisions of section 26.5-58 and/or section 26.5-59.
- b. If there are three (3) noise violations with citations (whether such violations are paid, or if they are challenged and the special magistrate upholds such citation), issued over a rolling period of twelve (12) months, the special magistrate, at the request of the city, may deem the vacation rental a "noise nuisance property" to be effective for a period of twelve (12) months from the later of the special magistrate order deeming the property a "noise nuisance property" or any citation for a noise violation as to such vacation rental, and may impose one (1) or more of the following orders:

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- (1) Require that whenever in the twelve (12) months following the special magistrate order there is a change of occupancy of the property (i.e., new people staying in the noise nuisance property) the property manager must provide proof to the city that the property manager has visited the property during the first day of the stay of the new tenants (or as soon thereafter as is practicable) and delivered a copy of the city's noise ordinances to the new occupants of the property and explained the seriousness of the violations of such ordinance and the fines and penalties which are applicable. Failure to provide said notice shall constitute operating without registration and the vacation rental owner shall be subject to the applicable fine for operating without a registration.
 - (2) Require that the owner of the noise nuisance property shall be required to impose for all future rentals of the noise nuisance property over the next twelve (12) months, an additional deposit (whether paid, or secured by a credit card) in an amount no less than five hundred dollars (\$500.00), with the condition of the deposit being that it will be forfeited to the city if the renter receives a noise violation during the term of the rental agreement. All such tenants shall be warned, by the owner or property manager, of such additional deposit and what would cause the forfeiture of such deposit prior to a rental agreement being finalized. A prominent notice of the conditions of such deposit and the potential forfeiture of such deposit shall be posted in each and every noise nuisance property. Failure to require the additional deposit shall constitute a violation of city regulations and the owner shall be subject to a penalty in the amount charged for operating without registration. Proof of the additional deposit must be provided to the city by the property manager for each and every rental of the property as long as the property is designated a noise nuisance property.

(Ord. No. 1697, § 1(Exh. A), 4-17-2025)

Sec. 26.5-58. Violations of this chapter.

- (a) Noncompliance with any provision of this chapter shall constitute a violation of this chapter. In accordance with Sec. 162.22, Fla. Stat., and other relevant law, violations of this chapter may be punished in accordance with the specific provisions of this chapter, and, if deemed appropriate by a code officer, in accordance with other provisions of this code of ordinances. In particular, due to the transitory nature of violations of this chapter, no initial warning notification shall be required before the issuance of a citation for a violation of this chapter. Violations of this chapter shall specifically include, but not be limited to the following unlawful conduct:
 - (1) It is unlawful to rent out a vacation rental without a current registration issued by the city in accordance with this chapter. It shall create a rebuttable presumption of violation if the vacation rental is shown to have been advertised as a vacation rental for one (1) or more dates during which the vacation rental does not have a valid registration. Such showing can consist of one (1) or more screen shots of such an advertisement when reviewed by a code enforcement officer or presented to the special magistrate.
 - (2) It is unlawful to offer a vacation rental for rent or to advertise a vacation rental for rent without a current registration issued by the city in accordance with this chapter. It shall create a rebuttable presumption of violation if the vacation rental is shown to have been advertised as a vacation rental for one (1) or more dates during which the vacation rental does not have a valid registration. Such showing can consist of one (1) or more screen shots of such an advertisement when reviewed by a code enforcement officer or presented to the special magistrate.
 - (3) It is unlawful to rent or to advertise for rent a vacation rental for occupancy in excess of the applicable maximum occupancy. It shall create a rebuttable presumption of violation if the vacation rental is shown to have been advertised as a vacation rental for occupancy in excess of that allowed under the vacation rental's then current registration. Such showing can consist of one (1) or more screen shots of

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- such an advertisement when reviewed by a code enforcement officer or presented to the special magistrate.
- (4) 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.
 - (5) It is unlawful to fail to provide any of the information required to be provided to occupants of the vacation rental by this chapter.
 - (6) It is unlawful to park at or near a vacation rental in violation of the provisions of this chapter.
 - (7) It is unlawful to provide any false or misleading information in connection with any application for an initial or renewed registration, or for amendment of a registration as required by this chapter. Any knowing and intentionally false or misleading statements made in any such application or any intentionally false or misleading statement or information submitted in connection with an application shall subject the applicant to a fine and shall constitute grounds for the suspension of any certificate of registration issued pursuant to such application.
- (b) Each day a violation exists, or each instance of violation, as applicable, shall constitute a separate and distinct violation.
 - (c) The vacation rental owner shall be liable for any violations of this chapter and for any violations of a code compliance order pertaining to the vacation rental. In addition, when two (2) or more persons commit a violation, each violator shall be jointly and severally liable for any fines or penalties assessed. This applies to situations where an owner, a designated responsible party, occupant, or guest are together responsible for a violation of this chapter. Any fines to occupants resulting from violations of this chapter or other city ordinances after the property owner or a designated responsible party was advised shall also be the responsibility of the property owner to pay.
 - (d) Repeat violations may be scheduled for a hearing before the special magistrate and, at the option of the code officer, the repeat violator can be notified that they do not have the option to pay a fine prior to the hearing to avoid a special magistrate hearing. For purposes of this paragraph the term repeat violation shall mean a second violation of the same provision of this chapter or the same provision of another applicable city ordinance for the second time within a one-year period.
 - (e) If the special magistrate affirmatively finds, after reviewing one (1) or more sworn statements, hearing relevant testimony and argument that repeat violations relating to a vacation rental have had a significant negative impact upon one (1) or more neighbors in the vicinity of the vacation rental, and finds that based upon such finding, such repeat violation is either irreparable or irreversible in nature, the special magistrate may issue an order requiring the payment of a fine or fines in an amount not exceeding five thousand dollars (\$5,000.00) per violation or per day as applicable. Such a fine(s) may be in addition to any suspension as provided in section 26.5-59.

(Ord. No. 1697, § 1(Exh. A), 4-17-2025)