

ORDINANCE NO. 11-2007

AN ORDINANCE OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA, CREATING ARTICLE VII, "RENTAL PROPERTIES" OF CHAPTER 22, "BUSINESSES"; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITION OF OCCUPANCY; PROVIDING FOR THE ISSUANCE OF A LOCAL BUSINESS TAX RECEIPT FOR RESIDENTIAL RENTAL UNITS; PROVIDING FOR EMERGENCY INSPECTIONS AND REMEDIATION; PROVIDING FOR DELINQUENCIES AND REVOCATION; PROVIDING FOR PENALTIES; PROVIDING FOR EXCEPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a high proportion of the properties within the City of Deltona are residential in nature; and

WHEREAS, the convenient location of the City in relation to nearby employment markets, together with the moderate values of much of its residential housing stock have caused it to become a desirable and affordable housing location for families; and

WHEREAS, a substantial portion of the residential housing stock is offered for rental by absentee owners or their agents; and

WHEREAS, the offering of residential real property for rental constitutes a business or occupation which the City is entitled to receive a local business tax under the provisions of Chapter 205, Florida Statutes; and

WHEREAS, the City of Deltona has complied with all requirements and procedures of Florida law in processing, noticing and advertising this Ordinance;

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

SECTION 1: SHORT TITLE

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

SECTION 2: INTENT

The intent of this Ordinance 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.

SECTION 3: DEFINITIONS

Immediate family means any individual who is a relative or legal dependant 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 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.

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

SECTION 4: PROHIBITION OF OCCUPANCY

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 Ordinance.

SECTION 5: LOCAL BUSINESS TAX RECEIPT APPLICATION

(A) Inclusions. On or before October 1 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. 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 thirty (30) days when the local point of contact person changes.

(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.

(C) Local Business Tax Receipt fee. The local business tax fee shall be set by the City Commission.

SECTION 6: INTERIOR RENTAL INSPECTIONS FOR CAUSE

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.

SECTION 7: EMERGENCY INSPECTIONS AND REMEDIATION

(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.

SECTION 8: DELINQUENCIES, REVOCATION; PENALTIES

If a local business tax receipt is required under this Ordinance and the tax receipt is not obtained within thirty (30) days of the required date, the City shall collect a delinquency penalty

of ten percent (10%) of the amount otherwise prescribed, for each month or portion of a month in which no required tax receipt was obtained. This penalty is in addition to the tax receipt fee.

SECTION 9: CONFLICTS

All Ordinances or parts of Ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any conflict.

SECTION 10: SEVERABILITY

In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions of sections of this Ordinance which shall remain in full force and effect.

SECTION 11: CODIFICATION

The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance" or similar words, may be changed to "Section", "Article", or other appropriate word.

SECTION 12: EFFECTIVE DATE

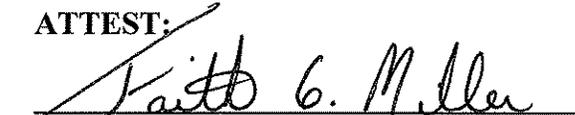
This Ordinance shall take effect immediately upon its final passage and adoption.

PASSED AND ADOPTED THIS 21st DAY OF May, 2007.

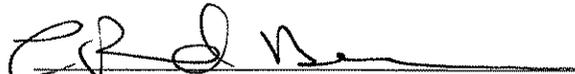
FIRST READING: 3/19/07
ADVERTISED: 5/12/07
SECOND READING: 5/21/07


Dennis Mulder, MAYOR

ATTEST:


Faith G. Miller, MMC, CITY CLERK

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


L. Roland Blossom, CITY ATTORNEY

NAME	YES	NO
CARMOLINGO	✓	
DENIZAC	✓	
DEVETTE	✓	
HARVEY		✓
McFALL	✓	
MULDER	✓	
SANTIAGO	✓	