

ORDINANCE NO. 11- 2014

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ADDING A NEW CHAPTER 36, "DELTONA RENTAL REGULATORY LICENSE ORDINANCE"; PROVIDING INTENT, AUTHORITY, FINDINGS OF FACT, AND DEFINITIONS; REQUIRING A RENTAL REGULATORY LICENSE AND FEE, PROVIDING FOR AN APPLICATION; PROHIBITING CERTAIN OCCUPANCY; PROVIDING FOR INTERIOR RENTAL INSPECTIONS FOR CAUSE, EMERGENCY INSPECTIONS AND REMEDIATION, AND DELINQUENCIES, REVOCATION AND PENALTIES; REQUIRING CERTAIN DOCUMENTS PRIOR TO UTILITY ACTIVATION, AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA:

BE IT ORDAINED by the City Commission of the City of Deltona, Florida, as follows:

SECTION 1. Chapter 36, "Deltona Rental Regulatory License Ordinance," is added to the Code of Ordinances of the City of Deltona to read as follows:

Sec. 36-1. Short title

This article shall be known and may be cited as the "Deltona Rental Regulatory License Ordinance".

Sec. 36-2. Authority

This chapter is enacted under the home rule of power of the city in the interest of the health, peace, safety and general welfare of the people of the city, and pursuant to Florida Statutes, Section 166.221.

Sec. 36-3. Intent

The intent of the city commission in adopting this chapter is to i) establish reasonable and uniform regulations for the rental of residential dwelling units that will protect the health, safety, property values and general welfare of the people, businesses and industries of the city; ii) provide the means to give adequate notice to owners of residential dwelling units in the city who do not reside in that property as to their responsibilities under city codes and ordinances; iii) ensure that rental residential dwelling units are maintained in a high quality manner as

required of all residential properties; and iv) maintain the tax base of the City of Deltona.

Sec. 36-4. Findings of fact

The City of Deltona is primarily a residential community composed of residential dwelling units with a mix of owner-occupied residential dwelling units and rental residential dwelling units. Historically, rental residential dwelling units in Deltona have disproportionately been the subject of code enforcement violations, and the expense of code enforcement activities by the city relating to rental residential dwelling units is disproportionately high compared to the expense of code enforcement activities relating to owner-occupied residential dwelling units. The property values of all residential dwelling units can be dramatically negatively impacted by rental properties in the area that are not appropriately maintained in compliance with applicable city codes. The rental of a residential dwelling unit is a business that can be regulated by the city to protect the health, safety, property values and general welfare of the people, businesses and industries of the city. The ability of City of Deltona code enforcement to contact a responsible party designated by the owner of a rental property greatly aids in the successful resolution of code enforcement issues.

Sec. 36-5. 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:

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.

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

Residential dwelling unit means a single family residence, a duplex, or a multi-family dwelling.

Rent means to lease or rent, or allow a person or persons who are not a member of the owner's immediate family to occupy, a residential dwelling unit.

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

Sec. 36-6. Rental Regulatory License Required; Exception

Prior to the rental of any residential dwelling unit in the City of Deltona, the owner of the property to be rented must obtain a Rental Regulatory License. In the case of a duplex, if one of the two parts of the duplex is occupied by the owner of the duplex, a Rental Regulatory License is not required for the rental of the other part of the duplex. In the case of a multi-family dwelling, if one of the units of the multi-family dwelling is occupied by the owner, or an on-site manager who isn't necessarily the owner, a Rental Regulatory License is not required for the rental of the other units in the multi-family dwelling.

Sec. 36-7. Rental Regulatory License Fee

The city commission of the City of Deltona shall annually, as a part of its budgeting process, set the amount of the Rental Regulatory License Fee. Such fee shall be determined to generate revenue commensurate with the cost of the regulatory activity.

Sec. 36-8. Application for license

On or before September 30 of each year, or at the same time thereafter as a residential dwelling unit is first offered for rent, an owner of a residential dwelling unit desiring to rent such residential dwelling unit shall file with the city manager, or his or her authorized designee, a sworn license application on a standard application form supplied by the city manager, or his or her authorized designee. Such application shall set forth the address of the rental property, and a local point of contact person ("Contact Person") of each rental property. A separate Rental Regulatory License is needed for each and every tax parcel on which a rental residential dwelling unit is located. A Contact Person of one or more owners may apply for multiple Rental Regulatory Licenses, upon certifying that such person 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 Contact Person changes.

Sec. 36-9. Prohibition of rental without license

It shall be unlawful for any owner of a residential dwelling unit to rent any residential dwelling unit within the city, without first obtaining a Rental Regulatory License as required by the provisions of this article.

Sec. 36-10. Copies of Violations sent to Contact Person

In the event a rental residential dwelling unit, or its occupant, is cited for a code violation, a copy of the violation shall be also sent to the Contact Person of the rental residential dwelling unit.

Sec. 36-11. 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.

Sec. 36-12. 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.

Sec. 36-13. Delinquencies, revocation; penalties

(a) If a Rental Regulatory License is required under this article and it is not renewed when due and payable, it shall be deemed delinquent and subject to a delinquency fee of ten percent (10%) for the first month of delinquency, plus an additional five percent (5%) delinquency fee for each subsequent month or portion thereof that the fee remains paid. However, the total delinquency fee may not exceed twenty-five percent (25%) of the Rental Regulatory License fee for the delinquent property.

(b) Any person owning or operating a rental residential dwelling unit without first obtaining a Rental Regulatory License, if required in accordance with this article, shall be subject to a fee of twenty five percent (25%) of the license fee, in addition to any other fee or penalty provided by law or ordinance.

(c) Any person who owns or operates a residential dwelling unit covered by this article, who does not pay the required Rental Regulatory License Fee within 150 days after the initial notice of license fee due, and who does not obtain the required license is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and an additional fee 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 Rental Regulatory License is or was required.

(e) Notifications to the Contact Person when applicable will be mailed by First Class U.S. Mail, or hand delivered.

(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 Chapter 162, Florida Statutes.

Sec. 36-14. Utility Accounts

Deltona Water shall require, prior to activating water and/or sewer accounts, that any applicant for service, other than the record owner of the property, provide a copy of the applicant's rental agreement. Deltona Water shall then send notification to the city of the rental with the name of the tenant, the name of the property owner, and the address of the property rented. The city shall then ensure that such property owner has a rental regulatory license for the rental property.

SECTION 2. 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 3. 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.

SECTION 4. 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 or sections of this Ordinance which shall remain in full force and effect.

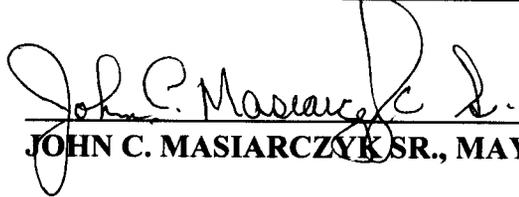
SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final passage and adoption.

PASSED AND ADOPTED THIS 21st DAY OF July, 2014.

FIRST READING: 7.7.14

ADVERTISED: 7.10.14

SECOND READING: 7.21.14

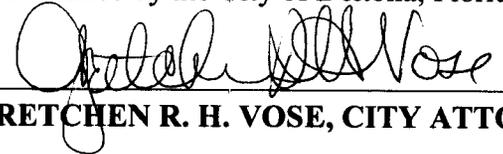

JOHN C. MASIARCZYK SR., MAYOR

ATTEST:


JOYCE RAFTERY, CITY CLERK

NAME	YES	NO
BARNABY	✓	
DENIZAC	✓	
HERZBERG	✓	
LOWRY BELIZIO	✓	
MASIARCZYK	✓	
NABICHT	✓	
SCHLEICHER	✓	

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


GRETCHEN R. H. VOSE, CITY ATTORNEY