

ORDINANCE NO. 2009-4154

An ordinance of the City Commission of the City of Sanford, Florida relating to residential rental properties; providing for legislative findings and intent; providing for applicability; providing for definitions; requiring within a period of time; requiring a local designated representative to be designated for single-family residential rental properties; providing for payment of a fee at the time of local representative designation; providing for enforcement and penalties; providing for implementing administrative actions; providing for conflicts; providing for a savings provision; providing for codification; providing for severability; and providing for an effective date.

Whereas, the *Florida Building Code* incorporates building, electric, plumbing, mechanical, administrative, accessibility, energy, coastal, manufactured, and state agency codes; and

Whereas, the Legislature of the State of Florida has mandated that the City use the *Florida Building Code* as the local building code applicable in the City subject to potential local amendments; and

Whereas, the first edition of the *Florida Building Code* was published in 2001 and replaced all local codes in March, 2002 and the *Florida Building Code* has been updated and implemented by the State of Florida; and

Whereas, the *Florida Building Code* has adopted many codes by reference and incorporation into the *Florida Building Code*; and

Whereas, the provisions of the *Florida Building Code* apply to both owner-occupied residential and rental residential properties; and

Whereas, the codes and ordinance of the City apply to both owner-occupied residential and rental residential properties; and

Whereas, experience arising from the code enforcement activities of the City has shown that it is oftentimes more difficult to engage in code enforcement processes with regard to rented single-family residential properties as opposed to owner-occupied residential properties and apartment rentals; and

Whereas, the City Commission has determined and concluded that a great part of the difficulties involved in enforcing the City's codes and ordinances with regard to single-family residential rental properties relates to the situations which arise due to absentee owners and the fact that absentee owners all too often do not have a local contact or representative to respond when the City initiates code enforcement activities; and

Whereas, the City Commission has determined and concluded that it is advisable to provide for a system of mandatory absentee owner representation by a designated local representative for single-family residential rental properties; and

Whereas, this Ordinance is enacted pursuant to the home rule powers of the City of Sanford as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 166, *Florida Statutes*; and other applicable controlling law.

Now, therefore, be it enacted by the People of the City of Sanford, Florida:

Section 1. Legislative findings and intent. A new section of the *City Code of the City of Sanford* is created to read as follows:

(a). The City Commission of the City of Sanford hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) to this Ordinance, the City staff report and City Commission agenda memorandum relating this Ordinance.

(b). The City of Sanford has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(c). It is the intent of the City Commission of the City of Sanford to encourage the appropriate management of single-family residential rental properties.

(d). Although not a land development regulation, this Ordinance is consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Sanford*.

Section 2. Applicability/definitions. A new section of the *City Code of the City of Sanford* is created to read as follows:

(a). This Ordinance shall be applicable to the rental of single-family residential properties, but shall not apply to apartments, hotels, motels, rooming houses, resort dwellings, and bed and breakfast inns.

(b). The definitions set forth at Section 509.242, *Florida Statutes*,¹ and Section 320.01(2)(b), *Florida Statutes*,² shall apply to the interpretation of this Ordinance as shall the terms defined otherwise in the land development regulations of the City.

(c). The term *absentee owner* means an owner of single-family residential rental property who does not live within the jurisdictional limits of Seminole County, Florida and counties abutting Seminole County.

Section 3. Local representation designation for single-family residential rental

¹ Relating to public lodging establishments and their classifications.

² Definition of the term "manufactured home".

properties; acknowledgment for relating to local codes; responsibilities of local representative. A new section of the *City Code of the City of Sanford* is created to read as follows:

(a). Owners of single-family residential rental property located within the City Limits who reside in Seminole County or any county contiguous thereto shall provide the City Department of Community Improvement with their physical address, electronic mail address and telephone number.

(b), Owners of single-family residential rental property located within the City Limits who reside in any other county or out of the State of Florida shall provide the City Department of Community Improvement with the name, physical address, electronic mail address and telephone number of an individual, who must be over eighteen (18) years of age and must reside in Seminole County or any county contiguous thereto who shall be designated by the property owner as agent for receiving notice from, and receiving service of process issued by, the City.

(c). A new owner of single-family residential rental property shall provide the information required by this Section within ten (10) days of obtaining ownership of the property.

(d). In the event of any code enforcement action being taken relative to single-family residential rental property, in addition to any notices as required by State law, the local designated representative shall also be notified; provided, however, that failure to provide such notice shall not preclude the enforcement of the City's Codes and ordinances by the City if the notice requirements of Chapter 162, *Florida Statutes*, or other controlling law have been met.

(e). The designation of a local designated representative shall be deemed to act as authorization for the representative to make statements on behalf of the owner during the course of any code enforcement proceeding if the representative is not precluded from so acting under the provisions of controlling Florida law.

(f). Each absentee owner subject to the provisions of this Ordinance shall receive notice of, and shall execute and file with the City, on a form approved by the City, that he/she/it has received a copy of educational materials which summarize codes and ordinances applicable to single-family residential rental property.

(g). Upon designation of a local representative either the absentee owner or the local designated representative shall pay a fee³ as established by resolution adopted by the City Commission which fee is established at this time as twenty-five and 00/100ths dollars (\$25.00) regardless of the number of single-family residential properties registered and assigned to the local designated representative.⁴

³ This fee does not relate to rental apartment units and Section 98-99 of the *City Code of the City of Sanford*, provides for a local business tax relative to such rentals.

⁴ The Code codifier may delete the words "which fee is established at this time as twenty-five and 00/100ths dollars (\$25.00)" from the *City Code* upon the adoption of such a resolution subsequent to the effective date of this Ordinance.

Section 4. Penalties and enforcement. A new section of the *City Code of the City of Sanford* is created to read as follows:

The City may impose any penalty authorized by State law and seek any legal remedy available to the City under State law; provided, however, that the penalty of incarceration shall not be imposed.

Section 5. Implementing Administrative Actions. A new section of the *City Code of the City of Sanford* is created to read as follows:

(a). The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative rules.

(b). It is the intent of the City Commission of the City of Sanford to provide for an educational program that results in compliance with the provisions of this Ordinance and all other applicable codes and ordinances of the City by single-family residential rental property owners and designated local representatives of the absentee owners.

Section 6. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that this Ordinance shall not affect any code or ordinance of the City which provides for a mechanism for enforcement of the City's codes and ordinances by the City.

Section 7. Savings.

The prior actions of the City of Sanford in implementation of its code enforcement activities pertaining to rental housing are hereby ratified and affirmed.

Section 8. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 9. Codification.

This Ordinance shall be codified in the *City Code of the City of Sanford*; provided, however, that Sections 6, 7, 8, 9 and 10 shall not be codified. The Code Codifier is granted broad and liberal authority to change section numbers in the current *City Code* and take other appropriate actions as set forth in Section 1-10 of the *City Code*.⁵

⁵ The Code codifier may delete the words "which fee is established at this time as twenty-five and 00/100ths dollars (\$25.00)" set

Section 10. Effective Date.

This Ordinance shall take effect immediately upon passage and adoption.

Passed and adopted this ____ day of _____, 2009.

**City Commission of the City of Sanford,
Florida
Seminole County, Florida**

Linda Kuhn, Mayor

Attest:

Janet Dougherty, City Clerk

Approved as to form and
legality:

William L. Colbert, Esquire
City Attorney

Certificate

I, Janet R. Dougherty, City Clerk of the City of Sanford, Florida, do hereby certify that a true and correct copy of the foregoing Ordinance No. _____, Passed and Adopted by the City Commission of the City of Sanford, Florida, on the ____ day of _____, 2009, was posted at the front door of the City Hall in the City of Sanford, Florida, on the ____ day of _____, 2009.

Janet R. Dougherty

forth in Section 4(g) of this Ordinance from the *City Code* upon the adoption of such a resolution subsequent to the effective date of this Ordinance.

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