

**ORDINANCE NO. 14-07**

**AN ORDINANCE OF THE CITY OF AVON PARK, HIGHLANDS COUNTY FLORIDA AMENDING CHAPTER 26, "BUSINESSES", ADDING ARTICLE III, "RESIDENTIAL RENTAL PROPERTIES" TO (1) REQUIRE A RESIDENTIAL RENTAL PROPERTY PERMIT (RRPP) FOR RENTAL DWELLINGS (2) PROVIDE AN EXCEPTION FOR OWNER-OCCUPIED DWELLINGS RENTING NO MORE THAN ONE ROOM. (3) PROVIDE FOR INSPECTION OF RENTAL UNITS AS A CONDITION OF ISSUANCE OF A RESIDENTIAL RENTAL PROPERTY PERMIT AND (4) PROVIDE THAT ENFORCEMENT SHALL BE THROUGH THE CITY'S CODE ENFORCEMENT PROCESS: PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, heretofore, among residential rental properties, City Occupational Licenses have not been required except for apartments, hotels, motels, boarding houses and lodging homes, and

**WHEREAS**, the offering of any residential real property for rental (or lease) constitutes a business or occupation, which the City is entitled to permit, and as to which the City may first determine compliance with the Land Development Regulation (LDR) of the City; and

**WHEREAS**, in analyzing the incidence of code violations at residential properties, the City has determined that there exist concentrations of such violations in certain residential neighborhoods where the percentage of single-family rental properties is disproportionately higher than owner-occupied single-family properties; and

**WHEREAS**, Chapter 83 of the Florida Statutes sets forth respective responsibilities of landlords and tenants for the safety, sanitation and maintenance of residential rental property as well procedures for eviction, but provides no method to enforce the public's interest in said safety, sanitation, and maintenance of residential rental property; and

**WHEREAS**, the City has found it necessary for the further protection of the health safety, and welfare of landlords, tenants, neighboring residents and the citizens of the City at large that measures be

adopted requiring the annual inspection of residential rental properties for code compliance and setting forth more particular responsibilities of the owners of said properties offered for rent or lease;

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, HIGHLANDS COUNTY, FLORIDA THAT:**

**Section 1 Title:** This Ordinance shall be known and may be cited as the “Residential Rental Property Permit and Inspection Ordinance.”

**Section 2 Intent:** The intent of this ordinance is to protect the public health, safety and welfare of the citizens and property-owners of the City of Avon Park by amending Chapter 26 (Businesses) of the City Code of Ordinances to require that the owner of every rental dwelling obtain a City RRPP, the validity of which will be conditioned upon the dwelling passing the City’s annual rental housing inspection, which is based upon the International Property Maintenance Code, other applicable codes, and the supplemental provisions of this Ordinance.

**Section 3 Chapter 26, Businesses, Shall be amended by adding Article III “Residential Rental Properties”, to read as follows:**

**Article III, Residential Rental Properties**

**Section 26-50 Residential Rental Property Permit (RRPP) and Inspection Required:** It shall be unlawful for any owner of residential property to rent or lease, or offer to lease (throughout this Ordinance the terms “rent” or “lease” are synonymous; as are the terms “to rent or lease” and “or offer to rent or lease”) therein any dwelling or dwelling unit(s) - whether single-family, duplex, tri-plex, multi-family, apartment, condominium, or more than one room in an owner-occupied dwelling unless a current RRPP has been issued by the City, a copy of which is to be kept on file and available for inspection at the place of business of the property owner.

**Section 26-51 Annual Inspection Required:** Each dwelling unit licensed for rental must pass an annual property maintenance inspection conducted by a City Code Enforcement Officer(s). The singular for the term “Code Enforcement Officer” includes the plural for purposes of this Ordinance, and the term is gender neutral. The purpose of the annual inspection shall be to

determine compliance with the International Property Maintenance Code as modified by this ordinance, other applicable codes, and the supplemental provisions of this Ordinance. Annual inspection of such properties shall be accomplished in a systematic manner according to administratively determined plans and schedules.

**Section 26-52 Exception for Owner-Occupied Dwellings Not Renting More Than One Room:** No RRPP is required of any property owner who occupies a single-family dwelling and rents not more than one (1) room in that building, provided that nothing in this exception otherwise excuses such an owner from compliance with this ordinance or any other applicable code. One room for the purposes of this ordinance is defined as a single room rented to a boarder used primarily for sleeping with or without bath but without cooking facilities, separate meters for electricity or water and/or a private entrance from the outside.

**Section 26-53 Permit Application:** The Owner of record of each dwelling unit which is rented, or offered for rent, shall make written application on an application form provided by the City of Avon Park to the City Clerk's Office for a RRPP to engage in the business of renting residential property, providing the address, classification (whether single-family, duplex, triplex, multi-family, apartment, condominium, or more than one room) and lessee (if such exists) of each dwelling unit to be licensed for rental, on such form or forms as the City of Avon Park shall from time to time designate. An agent of one or more owners may apply for multiple licenses, upon written authorization from each owner represented, provided that such authorization acknowledges receipt of a copy of this Ordinance and a copy of the City of Avon Park Rental Property Inspection Checklist and acknowledges that failure to abide by this Ordinance or other applicable codes and ordinances may result in a fine and or a lien upon the property of the owner.

**Section 26-54 Special Inspection Provisions:**

**(a) Special Provisions for Properties Served with Septic Tanks:** Property served by septic tank shall have the septic tank pumped and inspected periodically but not longer than every five years by a company certified to perform such inspections. The property owner shall maintain written documentation of the inspection. Such documentation shall be kept on file with the Local Business Tax Receipt and made available to the inspecting Code Enforcement Officer upon their request. Written

documentation as proof of the inspection shall be submitted at the time of initial application for a RRPP

- (b) Special Provisions for Properties Served by Private Potable Water Wells:** The property owner whose property is subject to inspection but not connected to a public potable water supply system shall provide to the inspector evidence that water from the private potable water source has been tested and found sanitary and potable through a standard and customary bacteriological test done by a State-certified laboratory upon request. Such testing shall have been done within the previous five years.

**Section 26-55 Rights of Privacy and Freedom from Unreasonable Search:** Each Licensee engaged in the business of renting residential property shall undertake to make such property available for reasonable inspection by the Code Enforcement Officer to determine compliance with this ordinance, the City of Avon Park Rental Inspection Checklist, other applicable codes and the supplemental provisions of this Ordinance, provided that the City shall at all times honor the rights of the licensee and the lessee, as provided in this subsection:

- (a) The Code Enforcement Officer shall make his or her inspections during daylight hours, unless:
- (1) The Code Enforcement Officer has made an appointment for another inspection time, at the request of the lessee, or
  - (2) The Code Enforcement Officer has previously attempted two (2) or more times to complete an inspection during daylight hours and has found no adult person on the premise authorized to admit the inspector.
- (b) At the commencement of each inspection, the Code Enforcement Officer shall present credentials and identification and advise the licensee, lessee, or adult person authorized to admit the Code Enforcement Officer shall provide the referenced occupant or other authorized person with a copy of this Ordinance.
- (c) If the Code Enforcement Officer is denied admittance by the licensee or lessee or if the Code Enforcement Officer fails in at least three (3) attempts to complete an inspection of the premises due to inability to obtain admittance; the Code Enforcement Officer shall provide notice of failure of inspection to the licensee by certified mail to the address shown on the license or other legal service. Within (15) days after receipt or refusal of such notice the licensee shall arrange the

admittance of the Code Enforcement Officer to the subject premises for the completion of the required inspection. If the licensee fails to arrange such admittance, the authorization to operate the property as rental or leased property shall be considered revoked and the City shall notify the licensee of such revocation by certified mail or other legal service. If the licensee thereafter continues to permit the rental of the premise for residential use without inspection, he shall be subject to proceedings before the Code Enforcement Board of the City of Avon Park or Special Magistrate for violation of this Ordinance and for any other code violations, which may be apparent. Nothing in this paragraph limits any other legal remedy available to the City.

**Section 26-56 Enforcement:** Notwithstanding any other enforcement provisions of Chapter 26 of the City of Avon Park Code of Ordinances, remedy for violations of this section may be pursued through the Code Enforcement Civil Citation Program in accordance with Chapter 2, Article VI of the City of Avon Park Code of Ordinances.

**Section 26-57 Inspection Checklist:** The City shall administratively adopt an official rental housing inspection form, based upon the International Property Maintenance Code, with a checklist of items to be noted by the Inspector. This form shall be made available to the public. Any rental housing inspection shall focus upon, but not necessarily be limited to, the items set out on such checklist.

**Section 26-58 Emergency Inspections and Remediation:** Nothing in this Ordinance limits or supplants the power of the Code Enforcement Officer under the City's ordinances, rules and regulations, and the authority granted under State law, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance as defined under State law or City ordinances, codes or regulations and to abate such a nuisance by any other lawful means or proceedings.

**Section 26-59 Penalties:** Any person found in violation of any the provisions of this Article shall be subject to enforcement action in accordance with the City's Code Enforcement Program. Violation of this ordinance shall be considered a Class IV Code Violation subject to \$500.00 Code Enforcement Fine. Repeat violations of this ordinance shall be sent to the Code Enforcement

Board or Special Magistrate for enforcement action. In extremely egregious violations and/or numerous repeat violations of this ordinance, the property owner's RRPP may be revoked by the City of Avon Park

**Section 26-60 Pre-existing Rental Property:** Rental property existing as such prior to the enactment of this ordinance shall be allowed 60 days after the initial issuance of the RRPP to be brought into compliance.

**Section 26-61 New Rental Properties:** First-time rental property shall be inspected in accordance of this ordinance prior to the issuance of an RRPP.

**Section 26-62 Appeals:** Appeal of any decision made by a Code Enforcement Officer shall be made through the Civil Citation Program, the Code Enforcement Board or the Special Magistrate, whichever is applicable.

**Section 26-63 Permit Fee:** The fee charged for issuance of a RRPP shall be \$37.50 per unit and periodically reviewed and adjusted by resolution by the City Council of the City of Avon Park.

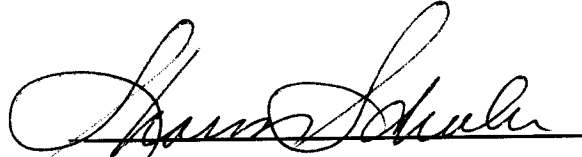
**Section 4 Severability:** If any section, subsection, sentence, clause, phrase, or proportion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect validity of the remaining proportions or application hereof.

**Section 5 Conflicting Ordinances:** That all ordinances made in conflict with this Ordinance are hereby repealed.


**Section 6 Effective Date:** That this Ordinance shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** upon second and final reading at a regular meeting of the City Council of the City of Avon Park on JUNE 25, 2007.


**CITY OF AVON PARK, FLORIDA**

  
Sharon Schuler, Mayor

Attest:

  
C.B. Shirey, City Manager

Approved as to form:

  
Gerald T. Buhr, City Attorney

Motion made by DEPUTY MAYOR HAL seconded by COUNCILWOMAN GRAY

The vote was 5 for 0 against with 0 abstentions and 0 absent

City of Avon Park  
Rental Property Inspection Checklist

Item	Yes	No	N/A
<b>A Exterior Property Area</b>			
1			
2			
3			
4			
5			
6			
7			
8			
<b>B Swimming Pools, Spas and Hot Tubs</b>			
1			
2			
<b>C Exterior Structure</b>			
1			
2			
3			
4			
5			
6			
7			
8			



City of Avon Park  
Rental Property Inspection Checklist

9	Are existing miscellaneous elements on the exterior of the building such as empty electrical conduits, unused brackets, etc. removed? Are wires and conduits secured and located as inconspicuously as possible?		
10	Are the roof and flashing sound, tight and not have defects that admit rain?		
11	Is roof drainage adequate to prevent dampness or deterioration in the walls or interior portion of the structure?		
12	Are roof drains, gutters and downspouts maintained in good repair and free from obstructions?		
13	Is no more than 10 percent of the area of the roof missing tiles or shingles?		
14	Is no more than 10 percent of the area of the metal roof rusted or oxidized?		
15	Are all corrices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features maintained in good repair with proper anchorage and in a safe condition.		
16	Are all overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts maintained in good repair and properly anchored?		
17	Is every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, structurally sound, in good repair, have proper anchorage and capable of supporting the design loads?		
18	Is every handrail and guard firmly fastened and capable of supporting normally imposed loads and maintained in good condition.		
19	Is every window, skylight, doorframe kept in sound condition, good repair and weather tight?		
20	Are all exterior doors, door assemblies and hardware maintained in good condition. ?		
21	Is every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water?		
22	Is every basement window that is capable of being opened supplied with rodent shields, storm windows or other approved protection against the entry of rodents?		
23	Are all surfaces, interior and/or exterior, exposed and/or hidden, free from mold and mildew?		
<b>D Plumbing and Fixture requirements</b>			
1	Does each dwelling unit contain its own bathtub or shower, lavatory, water closet and kitchen sink?		
2	Is every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture connected to either a public water system or an approved private water system?		
3	Does each dwelling have hot and cold running water?		
4	Is the dwelling connected to the city's sanitary sewer system or to a functional septic system?		
5	Are all plumbing fixtures properly installed, maintained in working order and kept free from obstructions, leaks, and defects and capable of performing the function for which such plumbing fixtures are designed?		
<b>E Occupancy Limitations</b>			
1	Is the dwelling properly configured for the zoning district in which it is located?		
2	Is the number of occupants consistent with the requirements of the city's land development regulation?		
3	Are all required smoke detectors, fire extinguishers and other life safety devices present in the dwelling?		