ORDINANCE 2011-04

AN ORDINANCE OF THE CITY OF BELLEAIR BLUFFS, FLORIDA, CREATING ARTICLE XXIX OF THE LAND DEVELOPMENT CODE OF THE CITY OF BELLEAIR BLUFFS IN ORDER TO REGULATE RENTALS OF RESIDENTIAL PROPERTY; PROVIDING CERTAIN DEFINITIONS; REQUIRING REGISTRATION OF RENTAL PROPERTIES BY OWNERS; REQUIRING PROPERTY OWNERS TO DESIGNATE A LOCAL AGENT; REQUIRING ANNUAL OCCUPATIONAL LICENSE; PROVIDING FOR MINIMUM LEASE TERMS AND MAXIMUM NUMBER OF LEASE TERMS PER YEAR; PROVIDING FOR MAINTENANCE REQUIREMENTS; PROVIDING FOR INSPECTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING AN APPEAL PROCESS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the City has received complaints relating to excessive noise, accumulations of trash and debris, parking and other regulatory ordinance violations that have occurred at single family or duplex residential rental properties and code enforcement staff has, from time to time, been unable to locate the owner or any agent of the owner for the purpose of giving notice; and

WHEREAS, a high proportion of the properties within the City's various neighborhoods are single family, owner-occupied residences making transient rentals of properties an incompatible use which does not preserve the character of the neighborhoods and interferes with the safety, welfare and enjoyment by the residents of the City; and

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

WHEREAS, the City considers it necessary and appropriate in order to maintain the character of the City's residential neighborhoods and protect and preserve the health, safety, welfare and peaceful enjoyment by the residents of the City to impose certain restrictions governing the rental of residential properties in the City; and

WHEREAS, in order to satisfy this purpose, it is considered necessary and appropriate to require owners to register rental properties as such with the City, provide for a minimum lease term and maximum lease per year to avoid transient rentals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BELLEAIR BLUFFS, FLORIDA, THAT:

Section 1: The City Commission hereby adopts and incorporates the above recitals as its legislative statement of purpose for this ordinance.

Section 2: That Article XXIX of the Land Development Code of the City of Belleair Bluffs is created, shall be titled "**Regulation of Rentals of Residential Property**", and shall read as follows.

Sec. 102-213: **Applicability.** This Article shall be applicable to the rental of all attached dwellings, detached dwellings, dwelling units, and accessory dwellings, as such terms are defined in Sec. 102-214 of this Article, within the City of Belleair Bluffs, but shall not apply to hotels, motels, resort condominiums, as defined in Florida Statutes Section 509.242.

Sec. 102-214: **Definitions.** For the purpose of this Article, the following definitions shall apply unless the context clearly indicates and requires a different meaning.

CITY. The City of Belleair Bluffs, Florida.

MAYOR. The Mayor of the City of Belleair Bluffs or other person(s) designated by the Mayor to carry out the enumerated responsibilities of the Mayor in this Article.

DAYS. Consecutive calendar days.

LOCAL. Within Pinellas, Pasco, Hillsborough or Manatee Counties.

OWNER. Every person, entity, service company, property manager or real estate broker, who alone or severally with others:

1) has legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or

2) has care, charge or control of any dwelling, dwelling unit, parcel of land, vacant or otherwise in any capacity including but not limited to agent, executor, executrix, administrator, administratix, trustee or guardian of the estate of the holder of legal title; or

3) is a mortgagee in possession of any such property; or

4) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property.

PROPERTY. Any real, residential property, or portion thereof located in the City of Belleair Bluffs, including building or structures situated on the property. For purposes

of this Article only, property does not include property owned or subject to the control of the City or any of its governmental bodies.

RESIDENTIAL PROPERTY. Any property that contains one or more dwelling units used, intended, or designed to be occupied for living purposes.

Sec. 102-215: **Registration of Rental Properties; Requirement for Occupational License; Duty to Provide Written Notice of Rental Property.**

A. All owners must register rental properties with the City on forms provided by the City. All registrations must state the individual owner's or agent's phone number and mailing address located within the State. The mailing address may not be a post office box. All registrations shall state each tenant's phone number and mailing address located within the State. The mailing address may not be a post office box unless a physical mailing address is also stated. The owner and/or registrant shall designate and retain a local individual or local property management company responsible for the security and maintenance of the property. This designation shall state the individual or company's name, phone number, and local mailing address.

B. Prior to renting any residential property, the owner shall make written application to the City for a local business tax receipt/occupational license to engage in the business of renting residential property in such form or forms as the City shall, from time to time, designate, together with such fees as the City Commission may, from time to time, adopt by resolution. For residential rental properties on a single real estate parcel containing no more than two (2) dwellings, only a single occupational license shall be required. Such license shall be renewed for any rental property no later than October 1 of each year.

C. Once the property is no longer rented, the owner shall provide written notice to the City.

Sec. 102-216: **Duration of Lease; Maximum Tenancies per Year.** Residential rental properties must be leased or rented to each tenant for a minimum three (3) month term; and there shall be no more than four (4) separate tenancies at any residential property during any twelve (12) month period.

Sec. 102-217: **Maintenance Requirements.**

A. Properties subject to this Article must be maintained in accordance with the relevant nuisance, maintenance, sanitary and building codes, and the City's regulations concerning external and/or visible maintenance. The owner, local individual or local property management company must inspect and maintain the property on an annual basis and shall provide a written affidavit to the City within fifteen days (15) after each inspection certifying when the inspection was made and that the inspection revealed no condition in violation of the referenced codes and regulations.

B. Adherence to this Section does not relieve the owner of any applicable obligations set forth elsewhere in the Code of Ordinances or within any covenant conditions and restrictions and/or homeowner's association rules and regulations.

Sec. 102-218: **Inspections.** The Sheriffs' Department or other code enforcement staff shall have the authority and the duty to inspect properties subject to this Article for compliance and to issue citations for any violations in accordance with the processes and procedures available for code enforcement under the laws of the City. Such Deputy Sheriff or code enforcement staff shall have the discretion to determine when and how such inspections are to be made, provided that its policies are reasonably calculated to ensure that this Article is enforced.

Sec. 102-219: **Enforcement and Penalties.**

A. The City may enforce the provisions of this Article by any means available to the City under the Code of Ordinances of the City of Belleair Bluffs or as may be available under the controlling provisions of state law for violations of local ordinances. The violation of this Article shall constitute a Class I offense under the Pinellas County Uniform Fine Schedule for Local Ordinance Violations and each day a violation continues shall be considered a separate offense.

B. The penalties for violation of this Article shall be set forth in the code enforcement method asserted by the City or as may be available under the controlling provisions of state law.

Sec. 102-220: **Appeal.** Any person aggrieved by the requirements of this Article may seek an administrative appeal to the Mayor within ten (10) days of the action which is sought to be appealed. An additional appeal may be filed to seek review of the Mayor to the Board of Adjustment within ten (10) working days of the action which is sought to be. Any person aggrieved by a final decision issued under this Article by the Board of Adjustment, may seek relief in any court of competent jurisdiction as provided by the laws of the state.

Section 3: **Conflicts.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

Section 4: **Severability.** If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Commission of the City of Belleair Bluffs that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Commission would have enacted the valid constitutional portions thereof.

Section 5: **Effective Date.** This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BELLEAIR BLUFFS, FLORIDA, THIS _____ DAY OF _____, 2011.

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Mayor Chris Arbutine

ATTEST:

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Debra S. Sullivan, City Clerk

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PASSED ON FIRST READING:
PASSED ON SECOND READING: