

TOWN OF EATONVILLE

ORDINANCE 2023-5 (Formerly Indexed As # 2022-3)

**AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA
~~CREATING A NEW ARTICLE AND NEW SECTIONS 1~~
~~THROUGH 9, INCLUSIVE, IN CHAPTER 4 AMENDING~~
~~CHAPTER 12, BUSINESSES, IN THE TOWN OF EATONVILLE~~
CODE OF ORDINANCES, CONCERNING THE REGISTRATION
AND OPERATION OF RENTAL HOMES; PROVIDING
APPLICABILITY; PROVIDING FOR REGISTRATION,
INSPECTIONS AND FEES; PROVIDING FOR REQUIRED
POSTINGS AND NOTICE; PROVIDING FOR
INTERPRETATION AND ENFORCEMENT; PROVIDING FOR
CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING
FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the Town of Eatonville, Florida makes the following findings;

1. In recent years, many formerly private homes have been turned into residential rental units. Those rental units have oftentimes been rented to individuals who, because they have no ownership interest in the property have allowed the properties to deteriorate. In addition, problems have occurred because many tenants have no ownership interest in the real estate have not been concerned about following the Codes of the Town, including Codes which govern maintenance and safety of the property.
2. In many cases, the owners of the properties live long distance from the Town of Eatonville, Orange County, Florida. As a result, property maintenance of many rental units in the Town has been substandard.
3. The aforementioned findings have caused problems for other home-owners near the rental units.

WHEREAS, the Town Council of the Town of Eatonville finds that residential rental properties with the Town are not being properly maintained or managed, creating a potential nuisance for neighboring properties as well contributes to the Slum & blights conditions; and

WHEREAS, the Council desires to ensure that residential properties available as rentals are properly maintained and operated necessary to address the slum & blighted areas; and

WHEREAS, the Council finds that inadequately maintained and operated properties directly affect the surrounding neighborhoods and the Town as a whole, and that the regular collection and maintenance of accurate information about rental properties will aid in ensuring compliance with this Ordinance and the Code in general; and

WHEREAS, the Council, therefore, desires to establish a registration program to educate rental property owners, their managers and tenants, on compliance with various statutory and Code requirements relating to the short-term rental of residential property; and

WHEREAS, the intent of this Ordinance is to collect current and accurate information regarding rental properties and to encourage the appropriate management of those properties in order to protect the general health, safety and welfare of the residents and visitors to the Town of Eatonville.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA:

SECTION 1. Recitals.

The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true, correct and reflective of the legislative intent underlying this Ordinance.

SECTION 2. ~~Chapter 12 of t~~The Code of Ordinances, Town of Eatonville, Florida, is hereby amended by creating Article 34, entitled "Rental Homes, Residential Rental Units" ~~and adding a Section to be numbered 1, which section which shall~~ reads as follows:

ARTICLE 34 RENTAL HOMES

Sec. ~~12-70.1~~, Applicability; Definitions.

(a) The provisions of this Article shall apply to "**RENTAL HOMES**" which include any dwelling or group of dwelling units, as defined ~~in Section 4 of the Code below~~, including those units in a single-family unit, condominium, cooperative, or mobile home dwelling located in the Town that is, at any time, available for rent or lease for a period of no less than 180 days. This Article does not apply to motels or hotels as defined ~~in Section 4 of the Town of Eatonville Code of Ordinances below~~. As used in this sub-section, the term "available for rent or lease" means that the dwelling is actually being offered for rent or lease or is rented or leased for a specified period of time.

(b) All owners of properties subject to the provisions of this Article shall, prior to offering their property for rent or lease to the public, register each dwelling with the Town and apply for a rental housing business license.

(c) In addition to their tenants, the owner of all applicable properties subject to this Article shall at all times be ultimately responsible for compliance with the terms of this Article, and the failure of any tenants or agents of the owner to comply will be deemed noncompliance by the owner.

(d) Definitions. As used herein, unless the context affirmatively indicates to the contrary, the following terms are defined to mean:

CODES- any code or Ordinance adopted, enacted and/or in effect in and for the Town of Eatonville, Orange County, Florida concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or residential rental unit. Included within, but not limited by this definition are the following which are in effect as the date of the enactment of this Ordinance; the Uniform Construction Code, the International Property Maintenance Code, International Plumbing Code, International Fire Prevention Code, International Electrical Code, the International Building Code and any duly enacted amendment or supplement to any of the above and any new enactment falling within this definition.

CODE ENFORCEMENT OFFICER- the duly appointed Code Enforcement Officer(s) having charge of the Office of Code Enforcement of the Town of Eatonville and any assistants or agents.

COMMON AREA- any open area within a structure shared by occupants or that the occupants have the right to share including, but not limited to, kitchens, bathrooms, living rooms, dining rooms, attics, basements and any room used for parties, social events or the congregation of people, except bedrooms.

DWELLING UNIT- One (1) or more rooms used for living and sleeping and occupied by one (1) family.

EXTERIOR AREA- The outside façade of a building, including but not limited to any porch, yard, lawn, landscaping, sidewalks, setbacks, curbs, and all open area contiguous to a building owned by the same person or persons or part of the same real estate parcel.

FAMILY- An individual, or an individual with children, or a couple and their children, or a group of no more than three (3) UNRELATED PERSONS living together in a dwelling unit.

HOTEL- A room or rooms in any building or structure kept, used, maintained, advertised or held out to the public to be an Inn, hotel, apartment hotel, lodging house, boarding house, rooming house, tourist house, dormitory or a place where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals.

BOARDING HOUSE, ROOMING HOUSE, LODGING HOUSE- A building arranged or used for lodging with or without meals for compensation by individuals who are not members of the family.

FULL TIME RESIDENT- any person who physically inhabits a bona fide residence within the boundaries of Eatonville, Orange County, Florida at the time of application to register a Residential Rental Unit and who continues to physically inhabit this residence at all times during the active registration of that Residential Unit. Documentation to be considered in establishing proof of current residency in the Town is:

1. Proof of a valid Florida issued Driver's License or Florida issued identification card indicating an address located within the boundaries of the Town of Eatonville.
2. Proof of a valid Florida Voter Registration Card indicating an address located within the boundaries of the Town of Eatonville.
3. Proof of a valid Florida vehicle registration in the name of the applicant and indicating an address located within the boundaries of the Town of Eatonville.
4. Other documentation may be taken into consideration to verify proof of Florida residency.

LANDLORD- any person, agent, operator, firm, corporation, partnership, association, property management group, or fiduciary having legal, equitable or other interest in any real property; or recorded in the official records of the State, County, or Municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of such person's estate. When used in this Ordinance in a clause prohibiting any activity or imposing a penalty, the term, as applied to partnerships and associations, shall mean each partner, and as applied to corporations, the officers there, (Same as "OWNER").

AGREEMENT:

- A. ~~Landlord Requirements. Landlord agrees to perform the following:~~
- I. ~~Tenant Screening. Landlord shall perform all of the following screening requirements for all tenants prior to move-in:~~
- A. ~~Criminal Background Check. Landlord shall obtain a criminal history for each tenant and each occupant of the premises who is 18 years or older, including information from the Florida Sex Offender Registry, to verify whether the tenant or occupants over 18 years of age are registered sex offenders. Landlord shall keep all criminal histories on file for the full term of the lease.~~

- ~~B. Income/Employment Verification. Landlord shall obtain income/employment verification from every prospective tenant.~~
- ~~C. Rental References. Landlord shall obtain and verify contact information for all previous landlords within the last three years.~~
- ~~D. Application. Landlord shall require each prospective tenant to complete a Rental Application, which shall include the tenant's social security number and date of birth. Landlord shall keep the Application on file for the full term of the lease.~~

~~Tenant Selection. Landlord shall consider the following criteria, at a minimum for tenant selection and will refuse to rent to any prospective tenant(s) or other occupants found to:~~

- ~~A. False Information. Provides false information to the Landlord on the Application or otherwise.~~
- ~~B. Convictions. Have been convicted of multiple (more than one) drug or alcohol related crimes in the past four years (Landlord may deny rental at their discretion for a single conviction); any crime related property damage, prostitution, violence of any kind, assault, or crimes that involve weaponry of any kind in the past four years.~~
- ~~C. Sex Offender Registry. Appear on the sex offender registry and it is within four years of the date of conviction. Landlords leasing to a sex offender(s) whose conviction is over 4 years old must comply with _____ related to "Protected Areas."~~
- ~~D. Controlled Substance. Have been convicted of distribution of a controlled substance within the past four years.~~
- ~~E. Probation and/or parole. Are on court or Board Pardons offered probation or parole for one of the disqualifying offenses listed above.~~

LOCAL AGENT- an adult individual designated by the owner of a residential rental unit who shall be the

agent of the owner for service of process and receiving of notices and demands for the owner under this Ordinance. Every owner who is not a Full-Time Resident of the Town, and/or who does not live within forty (40) miles of the location of the Residential Rental Unit, measured in a straight line from the rental unit to the bona fide residence of the applicant, shall designate a local agent who shall reside in an area that is within forty (40) miles of the location of the Residential Rental Unit, distance measured as above. If the owner is a corporation, a local agent shall be required if an officer of the corporation does not reside within the above reference area. The officer shall perform the same function as a local agent. If the owner is a partnership, a local agent shall be required if a partner does not reside within the above referenced area. Said partner shall perform the same function as a local agent. The local agent shall be the agent of the owner for service of process and receiving of notices and demands, as well as for performing the obligations of the owner under this Ordinance. The identity, address and telephone number(s) of a person who is designated as local agent hereunder shall be provided by the owner to the Town and the owner shall keep all such information current and updated as it changes.

OCCUPANT- an individual who resides in a rental unit, whether or not he or she is the owner thereof (same as "TENANT").

OWNER- any person, agent, operator, firm, corporation, partnership, association, property management group, or fiduciary having legal, equitable or other interest in any real property; or recorded in the official records of the State, County or Municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of such person's estate. When used in this Ordinance in a clause prohibiting any activity or imposing a penalty, the term, as applied to partnerships and associations, shall mean each partner, and as applied to corporations, the officers thereof. (Same as "LANDLORD").

OWNER-OCCUPIED RENTAL UNIT- a rental unit in which the owner resides on a regular permanent basis.

PERSON- a natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

PREMISES- any parcel of real property in the Town, including the land and all buildings and appurtenant structures or appurtenant elements on which one or more rental units are located.

QUALIFIED RESIDENTIAL RENTAL UNIT- A residential rental unit which as met the ~~inspection~~ requirements of this article and for which the annual fee has been paid.

RELATED PERSONS- the term “related” shall be restricted to the following relationships; spouse, parent, child, sister, brother, grand-child, grand-parent, or any of these same relationships in a “step” or “in-law” situation.

RENTAL OCCUPANCY LICENSE- the license issued to the owner of residential rental units under this Ordinance which is required for the lawful rental and occupancy of residential units.

RESIDENTIAL RENTAL UNIT- any structure within the Town of Eatonville that is occupied by someone other than the owner of the real estate as determined by the most current deed for the property. Each apartment within a building is a separate dwelling unit requiring ~~inspection-and~~ a license.

ROOMING UNIT- includes each and every bedroom within a structure such as a boarding house, a fraternity, a sorority, a motel, a hotel, a hospital, a nursing home, a dormitory, a tourist house, seasonal labor housing, or other similar buildings.

Sec. ~~12-71.2~~, Registration, Inspections, and Fees.

- (a) **Rental Property Registration.** Every owner of a residential rental unit, on a registration application form issued by the Town, shall register with the Code Enforcement Officer in accordance with the following:
- (1) All owners of residential units must register the units with the Code Enforcement Officer within the thirty (30) days after the effective date of this Ordinance.
 - (2) The registration and licensing of all rental residential properties and the designation of a local agent shall occur on or before February 1 of each year.
 - (3) Any individual, entity or firm which converts any structure to a residential rental unit or units shall register the residential rental unit or units with the Code Enforcement Officer of the Town of Eatonville within thirty (30) days of the completion of the conversion of the unit or units or within five (5) days of the date within which a tenant or tenants occupies the unit or units, whichever time period is sooner.
 - (4) In the event of a transfer of ownership, legal or equitable, of a property covered by this Ordinance it shall be the responsibility of both the transferring owner(s) and the new owner(s) to notify the Town of said transfer not more than five (5) days from the date of said transfer of ownership. If the property continues as a Rental Unit following the transfer, the new owner(s) shall register and license the property and comply with all the requirements of this Ordinance within ten (10) days of the date of transfer of ownership, either legal or equitable. In the event that notification and the required registration update is not given within the times set forth above, any Rental Occupancy License previously issued shall become null and void immediately upon the expiration of the allowed time period and the new owner(s) shall be subject to the requirement for inspections as set forth in this Ordinance.

(5) The owner of a residential rental unit must update the registration information on record with the Code Enforcement Officer within ten (10) days of any change to the information set forth in paragraph 6 below.

(6) Registration information shall be provided by all owners and shall include the following:

- a. The names, addresses, and telephone numbers of all the owner(s) of the rental unit.
- b. The name of the Local Agent. If the local agent is a business, both the name of the business and the name of the designated individual responsible for the rental unit shall be provided.
- c. The property address and number of units
- d. The type of rental unit.
- e. The number of Dwelling Units in each Rental Unit.
- f. Maximum occupancy per unit.
- g. Actual number of occupants
- h. Names and addresses of current adult tenants and the number of minor children who reside in the Dwelling Unit.

(7) Any owner of a residential rental unit shall notify the Township within ten (10) days of a new tenant occupying, renting or residing in the owner's residential rental unit.

(b) Rental Property Inspection. Within 15 working days after receipt of a complete application satisfying the requirements above and the application fee, the Town shall inspect the residential rental property and units to determine compliance with all applicable provisions of the Town's Code, including the property maintenance code, and shall issue the license or provide the applicant with written notice of any defects which must be remedied before a license shall issue.

(1) This section shall not be interpreted as authorizing the Town to conduct an inspection of any residential rental unit without first obtaining either consent to entry for purposes of inspection by a person having lawful possession and control of the premises or obtaining an inspection warrant pursuant to state law. This provision shall not be interpreted as authorizing the Town to conduct an inspection of any tenant-occupied rental unit without obtaining either the consent of the tenant or other person in possession, or an inspection warrant.

(2) Each residential rental property and unit regulated by this article shall be reinspected every 24 months, contingent upon Town resources and the number of units to be inspected. The Town shall maintain a reinspection schedule for currently licensed units. In addition, any currently licensed unit or property may be inspected upon reasonable notice. The property owners or their agents shall notify tenants of planned inspections of their residential rental units.

(3) A tenant may request an inspection of the residential rental property or unit in which he or she currently resides if violations of the International Property Maintenance Code are suspected.

(4) The Town Council may establish fees for inspections provided under this Article by resolution.

(8) ~~Notwithstanding any other provisions of this chapter, the names and addresses of a tenant shall not be disclosed by any Township personnel except in the event that the tenant is the subject of a court order requiring that this information be revealed as directed by the court order.~~

~~SECTION 4. The Code of Ordinances, Eatonville, Florida, is hereby amended by creating Article 4, entitled "Rental Homes" and adding a section to be numbered 1-9, which section reads as follows:~~

~~Sec. 12-72.3 General Provisions.~~

All owners of dwellings registered as provided herein shall comply with the following:

(1) ~~Designated Contact~~Local Agent. Each applicant for registration shall at the time of application designate a designated contact for the purpose of addressing the concerns of the tenants or responding to complaints by the Town or other persons regarding the conduct of the occupants of a dwelling subject to regulation pursuant to this Article. When an entity is designated, the registration shall include the name of a specific contact person(s); provided, that in all events, there shall be a designated person available for contact by the Town for each hour or each day, seven days per week. The designated contact shall respond to concerns regarding potential violations of this Article within one (1) hour of receiving a contact call from the Town. The designated contact shall promptly make at least three (3) attempts following the receipt of a complaint from the Town to contact the tenants and resolve the complaint. The designated contact is also responsible for documenting the complaint; the date and time of receipt of the complaint from the Town; the date and time of attempts to contact the tenant(s) and the result of the contact; the nature of the response by the tenant(s); and forwarding that documentation to the Chief Administrative Officer within one (1) hour of their response to the initial complaint.

(2) Occupancy Limits:

a. In no case shall the maximum total occupancy for any dwelling exceed the limits permitted by the Florida Fire Prevention Code or Florida Building Code.

b. In addition to the foregoing, the maximum tenancy occupancy load of any unit shall not exceed two (2) persons for each bedroom, as "bedroom" is defined under the Florida Building Code, in the rental, plus two (2) persons.

c. Before the hours of 7 AM, or after 10 PM, on any day, the occupancy load of the unit may not exceed the maximum allowed number of tenants.

(3) Record Keeping. The owner of each dwelling shall maintain a registry of all tenant(s), their address, telephone number, and e-mail address, and the make, model, year, and tag number of their motor vehicle(s) located at the dwelling. The owner shall maintain this information for each tenant for a minimum of two (2) years. The owner or designated contact shall make the information regarding the current tenant(s) available to the Town within one (1) hour of a request by the Chief Administrative Officer.

(4) Vehicles and Parking. Tenants or guests of any registered unit shall not:

a. Engage in any prohibited parking activities as provided ~~in Sections 2 or 2.1.4 of~~ by the Town of Eatonville Code of Ordinances.

b. Park any boat or boat trailer in a residential zoning district, unless fully enclosed in a structure so that it cannot be seen from any abutting property, public way, or waterway. As used in the foregoing sentence, the term "residential zoning district" shall include properties zoned Residential Single Family (RSF) or Residential Multiple Family 6 units per acre (RMF-6).

c. Utilize recreation vehicles for sleeping or overnight accommodations at any property regulated by this Article.

(5) Refuse. As provided by Section ~~30-26 2-1.1~~ of the Town of Eatonville Code of Ordinances, refuse, trash, and recycling may not be left out by the curb on a public right-of-way for pick-up until 6 PM on the evening before the scheduled trash or recycling pick-up day with all trash, refuse, or recycling containers removed thereafter by ~~67~~ PM on the evening of the day of refuse, trash, or recycling pickup, as applicable.

(6) ~~Noise. Tenants and their guests must comply with the requirements of, Article 4, Noise Control, of the Town of Eatonville Code of Ordinances, and not unnecessarily make, continue or cause to be made or continued, any noise disturbance as defined therein.~~

(7) ~~Fireworks. The use of fireworks is not permitted and violators will be prosecuted. See Section 4, of the Town of Eatonville Code of Ordinances.~~

(8) Advertisement. It shall be unlawful to offer or advertise any rental home for rent or lease in the Town without that unit first being registered as provided in the Article. Where advertised, the

registration number provided by the Town must appear on all forms of advertisement and on the landing or "home" page for the dwelling when advertised over the internet. Alternatively, the registration number of a designated contact or property manager can appear in lieu of the individual property registration numbers.

(9) Compliance with Other Regulatory Authorities. Properties subject to this Article must meet all applicable requirements of state law. To the extent provided by general law, violation of any state law relating to the subject matters contained in the Article shall also constitute a violation of this subsection; provided that no penalty under this Article shall be greater than that authorized by state law for violation of the state law provision.

(10) Hazardous Building Declaration. In the event that a building has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the building may be declared a hazardous building and treated consistent with the provisions of Florida statutes. The Chief Administrative Officer or designee will post the date the rental home shall be vacated and no person shall reside in, occupy or cause to be occupied that rental home until the TownCity Manager or Town Council permits it.

(11) Evacuation. All rental properties shall be evacuated as required upon the posting of a nonresident evacuation order issued by the Town, County, or State.

(12) Compliance Order. Whenever the Chief Administrative Officer or designee determines that any building or portion thereof, or premises surrounding any of these, fails to meet the provisions of this chapter, a compliance order setting forth the violations of this chapter and ordering the owner, occupant, operator, agent, or designated contact to correct such violations shall be issued.

(13) Tenant Screening. Landlord shall perform all of the following screening requirements for all tenants prior to move-in:

- E. Criminal Background Check. Landlord shall obtain a criminal history for each tenant and each occupant of the premises who is 18 years or older, including information from the Florida Sex Offender Registry, to verify whether the tenant or occupants over 18 years of age are registered sex offenders. Landlord shall keep all criminal histories on file for the full term of the lease.
- F. Income/Employment Verification. Landlord shall obtain income/employment verification from every prospective tenant.
- G. Rental References. Landlord shall obtain and verify contact information for all previous landlords within the last three years.
- H. Application. Landlord shall require each prospective tenant to complete a Rental Application, which shall include the tenant's social security number and date of birth. Landlord shall keep the Application on file for the full term of the lease.

(14) ~~Tenant Selection. Landlord shall refuse to rent to any prospective tenant(s) or other occupants found to provide false information to the Landlord on the Application or otherwise.~~

F.

~~SECTION 5. The Code of Ordinances, Eatonville, Florida, is hereby amended by creating Article 4, entitled "Rental Homes" and adding a section to be numbered 1, which section reads as follows:~~

Sec. 12-73.4, Required Postings and Notice.

(a) Each registered dwelling shall have a clearly visible and legible notice conspicuously posted within the dwelling, containing the following information:

(1) The designated contact for the unit and a telephone number where the designated contact may be reached on a 24-hour basis.

(2) The occupancy limits, total and overnight, for the dwelling.

(3) The maximum number of vehicles allowed to be parked on the property and the location of on-site parking spaces.

(4) The trash and recycling pick-up day(s).

(5) A notice that no fireworks shall be set off and a statement that violators will be prosecuted.

(6) A summary of the Town's noise ordinance.

(b) The information set forth in sub-section (a) must be kept current at all times by the dwelling owner. All tenants must be provided a Code of Conduct summary of the remaining general provisions of this Article including the penalties for violation as set forth in Section 1 of the Town of Eatonville Code of Ordinances, and a copy of the current Town registration.

~~SECTION 6. The Code of Ordinances, Eatonville, Florida, is hereby amended by creating Article 4, entitled "Rental Homes" and adding a section to be numbered 2, which section reads as follows:~~

Sec. 5, 12-74. Interpretation; Enforcement.

(a) Interpretation. All questions of interpretation, or application, of the provisions of this Article shall first be presented to the Chief Administrative Officer. In interpreting or determining the application of the provisions of this Article, the Chief Administrative Officer shall be guided first by the plain meaning of the words and terms in the code and second by the intent expressed therein. Thereafter, the Town Council shall have the authority to hear and decide appeals from the decision or interpretation of the Chief Administrative Officer.

(b) Enforcement. Any violation of the provisions of this Article may be prosecuted and shall be punishable ~~by as provided in Section 4, or Chapter 1, of the Town of Eatonville Code of Ordinances,~~ including but not limited to: (i) code enforcement board prosecution for a fine of up to \$500 per violation, per day for continuing repeated violations; (ii) by civil citation up to \$500 per offense; (iii) by the seeking of injunctive relief through the courts, or; (iv) any combination thereof. Each day of renting a dwelling without having a registration certificate issued pursuant to this Article shall constitute a separate and distinct violation of this Article. Tenants and owners may be prosecuted concurrently.

(c) Basis for Sanctions. ~~The Chief Administrative Officer-Town may,~~ by code enforcement board prosecution, revoke, suspend, deny, or decline to renew any license issued under this Article for part or all of a rental home upon any of the following grounds:

1. Leasing Without A License: Leasing rental homes without a license or units subject to license suspension or revocation;

2. Violation of Codes: Violation of the Town Ordinance Code, Building Code, or Fire Code;

3. Hazardous or Uninhabitable Units: Leasing units that are deemed hazardous or uninhabitable or units within a building that is deemed hazardous or uninhabitable;

4. Commission of a Felony: Commission of a felony related to the licensed activity by the property owner or manager;

5. Consideration of Suspension or Revocation: At any time during a license period, if a rental property does not meet or exceed the criteria established for the current license, the license may be brought forth to the Town Council for consideration of license suspension or revocation;

6. Updated Application Information: Failure to provide updated application information during the license period;

7. False Statements: False statements on any application or other information or report required by this Article to be given by the applicant or licensee;

8. Fees: Failure to pay any application, inspection, penalty, reinspection or reinstatement fee required either by this Article or Town Council resolution;

9. Correction of Deficiencies: Failure to correct deficiencies in the time specified in a compliance order;

10. Inspection: Failure to allow an court-authorized inspection of a rental home;

11. Violation of Statute: Violation of an owner's duties under Florida statutes.

12. Written Tenant Application and Lease Agreement Required: The licensee must screen all potential tenants using a written tenant application. The licensee must use a written lease agreement for all tenants. The licensee must have all tenants execute a Florida crime free housing lease addendum, the form for which being on file with the Town. The written tenant application must include sufficient information so that the licensee can conduct appropriate criminal background checks on prospective tenants. The written tenant application and written lease agreement and the Florida crime free housing lease addendum for each tenant must be part of the licensee's files. Upon request the licensee must show proof, satisfactory to the Town and consistent with data privacy laws, that the licensee is maintaining the documents required by this Article. Failures to use, maintain, or provide these documents to the Town upon request is a violation of this Article.

13. Codes Violations: Nothing in this article shall preclude or prohibit the Code Enforcement Officer or other Town designee from identifying any code violations or inspecting any property according to the terms of any of the referenced codes at any time, whether or not the particular premises is scheduled for periodic inspection under the terms of this article.

14. Violations and Penalties:

- A. The failure of any owner to effect corrections as provided in this article shall be considered a violation of the Town's Residential Rental Property Ordinance and the procedures and penalties prescribed therein shall be applicable.
- B. ~~The failure of any owner to schedule an inspection or re-inspection as provided in this article shall result in the issuance of a notice to the owner that the property is not a qualified residential rental unit, in which event it shall be unlawful for any person to occupy or to let others for occupancy the subject premises until the unit becomes a qualified residential rental unit after inspection and compliance with violation notices.~~
- C. ~~Any person, firm or corporation who shall violate any provision of this ordinance shall, upon being found to have committed the violations in a civil enforcement action before a District Justice, pay a civil penalty not to exceed Six Hundred Dollars (\$600.00) per violation. Each day that the violation continues shall be deemed a separate offense and punishable as such. The Town of Eatonville may enforce this Ordinance in equity or through injunctive relief in addition to or in lieu of such civil action before the District Judge. If the penalty for the violation of this Ordinance is not timely paid and the person, firm or corporation upon whom the penalty was imposed is found to have been liable therefore in civil proceedings, the violators shall be liable for the penalty imposed including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the Town in the enforcement proceedings. Any fine which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien upon the premises as provided by law. Such a lien may be reduced to judgment and enforced and collected as provided by Law, together with interest at the legal rate and court costs. The remedies provided by this subsection are not exclusive and the~~

Town and its Code Enforcement Officer may invoke such other remedies available under this Ordinance or the applicable codes, Ordinances or Statutes, including where appropriate, condemnation proceedings or declaration of premises as unfit for habitation; or suspension, revocation or non-renewal of the license issued hereunder.

- D. In the instance of repeated violations of this Ordinance, whether for the same or similar offenses or for various offenses, the Town may, upon the owner being found to have committed the violations in a civil enforcement action before the Code Enforcement Board ~~the District Justice~~, revoke the Occupancy License, in addition to any other remedies provided in this Ordinance. Said revocation shall be effective for a period of up to one year, at which time a new application for registration may be submitted and shall be reviewed in accordance with the provisions of this Ordinance. Three license revocations attributed to an owner shall result in a permanent revocation.

In case of continuing code violations of Rental or rental homes without a license, a separate violation occurs each day that the property owner or license holder is in violation of this Article.

(d) Penalties. Any owner, landlord or tenant of a unit found to be in violation of any provision of this Code shall pay a fine of not less than \$100.00 and not to exceed \$300.00 for each and every offense.

(e) Fines as imposed through this Ordinance shall be collected as allowable by law.

(f) In addition to the fines set forth herein, the Town of Eatonville shall be entitled to reasonable attorney's fees incurred in enforcing this Ordinance. The said fees shall be added to any penalties set forth above.

1. ~~Revocation: Any violation of this Article may be grounds to revoke a license. Any civil penalty, revocation or combination thereof under this section does not preclude criminal prosecution under this Article or Florida statutes. All fines are cumulative and revocation periods will run consecutively.~~

2. ~~Suspension: Town Council may temporarily suspend a license pending a hearing on the suspension or revocation when, in its judgment, the public health, safety, and welfare is endangered by the continuance of the licensed activity.~~

3. ~~Civil Fines: Town Council may impose civil fines in addition to revocation or suspension for violations of any provision of this chapter as follows:-~~

	Fine Per Unit
First Violation	\$100.00
Second Violation	\$300.00
Third or more within a 12 month period	\$500.00
Renting without a license after 30 days' notice shall be subject to <u>\$51,000.00</u> fine per unit and also be a misdemeanor offense.	

Miscellaneous Provisions

- A. Delivery of Notification shall be as follows:

1. All notices shall be sent to the owner or designated local agent, if applicable by certified mail. In the event that the notice is returned by the postal authorities marked "refused" then it shall be deemed to have been delivered to and received by the addressee.
2. In the event that the notice is returned by the postal authorities marked "unclaimed" then the notice shall be sent to the owner and/or local agent at the addresses stated on the most current license application for the subject premises by regular first-class mail, postage pre-paid. If such notice is not returned by the postal authorities within five (5) days of its deposition in the U.S. Mail then it shall be deemed to have been delivered to and received by the addressee on the fifth day following its deposit in the U.S. Mail and all time periods set forth above shall thereupon be calculated from said fifth day.
3. In the event that the notice sent via first class mail is returned by the postal authorities then the Code Enforcement Officer shall post the notice on an entry door of the premises. The notice shall be deemed as delivered to and received by the owner forty-eight (48) hours following the posting.
4. There shall be a rebuttable presumption that any notice required to be given to the owner under this Ordinance shall have been received by such owner if the notice was given to the owner in the manner provided by this Ordinance.
5. A claimed lack of knowledge by the owner of any violation hereunder cited shall be no defense to license non-renewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such proceedings have been given and deemed received in accordance with the applicable provisions of this Ordinance.

SECTION 73. CODIFICATION.

It is the intention of the Town Council, and it is hereby ordained that the amendments to the Town of Eatonville Code of Ordinances made by this Ordinance shall ~~constitute a new Article 1 to Chapter 4 of the Town of Eatonville Code of Ordinances~~ be codified, and that the sections of this Ordinance may be renumbered and re-lettered as necessary, and that the word "Ordinance" may be changed to "Section", "Article", or other appropriate word.

SECTION 48. CONFLICTS.

All Ordinances or parts of Ordinances and all Resolutions or parts of Resolutions in conflict with the provisions of this Ordinance are hereby superseded and resolved to the extent of any conflict in favor of the provisions of this Ordinance.

SECTION 59. SEVERABILITY.

(a) If any term, section, clause, sentence, or phrase of this Ordinance is for any reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the other or remaining terms, sections, clauses, sentences, or phrases, portions of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

(b) That in interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (* * * *) indicate a deletion from the Ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this Ordinance remain unchanged from the language existing prior to adoption of this Ordinance.

SECTION 406. EFFECTIVE DATE:

This Ordinance shall become effective on _____, 20____, following its adoption by the Town Council.

First reading held this _____ day of _____ 2023.

	AYE	NAYE	ABSENT
Mayor Angie Gardner	_____	_____	_____
Vice Mayor Rodney Daniels	_____	_____	_____
Councilman Marlin Daniels	_____	_____	_____
Councilman Theo Washington	_____	_____	_____
Councilwoman Wanda Randolph	_____	_____	_____

Second and Final reading held this _____ day of _____ 2023.

	AYE	NAYE	ABSENT
Mayor Angie Gardner	_____	_____	_____
Vice Mayor Rodney Daniels	_____	_____	_____
Councilman Marlin Daniels	_____	_____	_____
Councilman Theo Washington	_____	_____	_____
Councilwoman Wanda Randolph	_____	_____	_____

PASSED AND ADOPTED this _____ day of _____ 2023.

TOWN OF EATONVILLE, FLORIDA

By: _____
Angie Gardner, Mayor

Attest:

By: _____
Veronica King, Town Clerk

Reviewed for legal sufficiency:

By: _____
Town Attorney, Cliff Shepard