

ORDINANCE NO. 03-56

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING SEC. 14-36 PARAGRAPH XI OF THE CODE OF ORDINANCE PERTAINING TO OCCUPATIONAL LICENSES; CREATING SEC. 7-169 OF THE CODE OF ORDINANCES, PERTAINING TO PERIODIC HOUSING INSPECTIONS; ESTABLISHING A PROCEDURE WHEREBY RETAL HOUSING RECEIVES PERIODIC INSPECTIONS TO ASSURE COMPLIANCE WITH THE STANDARD HOUSING CODE; IMPOSING A FEE TO BE PAID BY PROPERTY OWNERS TO DEFRAID THE COST OF ADMINISTRATION, PERMITTING THE INSPECTION FEE TO BE ADJUSTED BY RESOLUTION OF THE CITY COMMISSION; PROVIDING FOR PENALTIES; ESTABLISHING A NOTICE AND ENFORCEMENT PROCEDURE; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.

The City Commission of the City of Leesburg makes the following legislative findings:

- a. A substantial number of the citizens of Leesburg reside in rental housing.
- b. There is no established procedure for periodic inspections of rental housing to assure compliance with the Housing Code as adopted in Chapter 7, article VII of the Code of Ordinances.
- c. As a result, many rental units fail to comply with the standard Housing Code.
- d. The public health, safety and welfare will be protected and advanced by the establishment of a procedure for periodic inspections of rental housing to assure code compliance.

SECTION II.

Sec. 14-36 paragraph XI of the Code of Ordinances of the City of Leesburg, Florida, pertaining to occupational licenses is hereby amended to read as set forth below:

XI. HOTELS, MOTELS, APARTMENTS, BED AND BREAKFAST INNS, ROOMING HOUSES, MOBILE HOME PARKS, DUPLEXES, TRIPLEXES AND SINGLE FAIMLY HOMES RENTED TO PERSONS OTHER THAN THE OWNER THREOF:

- a. Hotels, motels, bed and breakfast, rooming houses, apartments (transient or long term rentals):
 - (1) 1 to 15 units \$25.00
 - (2) 16 to 50 units \$40.00
 - (3) Over 50 units \$70.00
- b. Mobile home parks \$50.00
- c. A property owner who owns only a single rental unit, which is rented or offered for rent for less than 18 months during the period it is

owned by the property owner, shall not be deemed a business required to have an occupational license.

SECTION III.

Sec. 7-169 of the Code of Ordinances of the City of Leesburg, Florida, is hereby created to read as set forth below:

Sec. 7-169. Inspection of Rental Housing.

To ensure compliance with the standard Housing Code as adopted in this Article, and as amended from time to time, all rental housing within the City of Leesburg shall be inspected as provided in this Section, which shall apply to all owners of one or more housing units within the City of Leesburg which are rented to tenants for residential occupancy. This Section shall apply to all residential units, including but not limited to single family homes, duplexes, triplexes, apartments, condominiums, and rooming or boarding houses, which are rented to occupants other than the property owner for more than 2 weeks during any one year interval.

- (a) The Building Official or his designee, and the Fire Marshall, shall have the right to inspect the unit for compliance with the Standard Housing Code and with other applicable codes, including but not limited to the Building Code, Fire Code and other health and safety regulations.
- (b) If any code violations are discovered by the inspections, the Building Official or his designee shall notify the property owner and provide a list of all violations which require corrective action. The property owner shall have not more than 90 days after notice of violations within which to correct the violations. If the violations are deemed detrimental to the health, safety and welfare of the community, the City shall curtail all utility services to the unit until code compliance is achieved, except for temporary utility services as needed for the purposes of renovation or correction of code violations. Once the property owner has completed the process of correcting the violations, the owner shall notify the Building Official that compliance has been achieved, and shall at that time request a reinspection and the Building official shall once again inspect the unit. If code compliance has been achieved the Building Official shall provide the property owner with written confirmation of compliance. If the violations originally noted have not been remedied, the Building Official shall again give written notice to the property owner of code deficiencies and the property owner shall have and additional 30 days to remedy the deficiencies. The Building Official shall reinspect the unit again after the 30 days and if the unit is in compliance shall issue written confirmation as provided above. If the unit is still not in compliance, the Building Official shall refer the unit to the Code Enforcement. If upon any reinspection, new code violations are found by the Building Official, the new violations shall

be treated as a new case subject to the time periods for compliance and enforcement remedies provided for in this section.

- (c) Notices under this Section shall be in writing, shall include an address or other description of the property sufficient for the owner to identify it, and a description of the code violations which require correction. The notice shall state that if the violations are not remedied within the time provided in this Section, the City may institute Code Enforcement actions or other legal proceedings, and that the unit shall not be rented or occupied until the code violations are remedied in full.
- (d) Notices shall be served on the property owner by certified mail, return receipt requested, and/or first class mail, addressed to the owner at the address provided by the owner to the City Clerk when the owner registers under this Section. Notice shall also be posted on the rental unit, in a conspicuous place. At the option of the Building Official, notice may be (but is not required to be) hand delivered to the property owner, if an individual to his or her usual place of abode to be left with the owner or another occupant of the same address who is 16 years of age or older, and if a corporation or other entity, with the entity's registered agent as shown on the records of the Florida Secretary of State.
- (e) Violations of this Section, including but not limited to failure to achieve code compliance within the times specified, and occupancy of a residential rental unit after notice of violation has been given and prior to issuance of written confirmation of code compliance, may be prosecuted either through the Code Enforcement process, under Sec. 7-168 of this Code, under Sec. 1-14 of this Code, or in any other manner now or hereafter permitted by law.

SECTION IV.

If any portion of this ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of this ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION V.

All ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinances, in which case those ordinances so affected shall be hereby repealed in their entirety.

SECTION VI.

This ordinance shall become effective July 1, 2003 upon adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 9th day of June, 2003.

