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ORDINANCE NO. 2013-28

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, ESTABLISHING A LANDLORD REGISTRATION AND RESIDENTIAL RENTAL PROPERTY INSPECTIONS PROGRAM ("PROGRAM"); AMENDING SECTION 8½-16 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"), "SCHEDULE OF CIVIL PENALTIES," TO PROVIDE CIVIL PENALTIES FOR CERTAIN VIOLATIONS OF THE CODE; CREATING SECTIONS 39-115 THROUGH 39-119 OF THE CODE TO ESTABLISH THE PROGRAM, PROGRAM REQUIREMENTS, AND ENFORCEMENT; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, the Broward County Board of County Commissioners recognizes the significant number of residential rental properties located within the unincorporated areas of Broward County; and

WHEREAS, in order to ensure that landlords of residential rental properties are notified of code violations on their property, it is necessary to maintain current and accurate contact information; and

WHEREAS, it is in the best interest of the health and safety of the residents of unincorporated Broward County that any code violations are corrected as quickly as possible; and

WHEREAS, the records of the Broward County Records, Taxes and Treasury Division and the Broward County Property Appraiser do not contain all information necessary to contact a landlord in case of a health and safety violation or an emergency; and

WHEREAS, a landlord registration program will enable the County to have current contact information for landlords; and

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1 WHEREAS, an annual registration and inspection program for residential rental
2 properties located in the areas of unincorporated Broward County is in the best interest
3 of the health, safety, and welfare of the community,
4

5 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
6 BROWARD COUNTY, FLORIDA:
7

8 Section 1. Chapter 8½ of the Broward County Code of Ordinances, "Code
9 Enforcement," Article II, "Alternate Code Enforcement Procedure," Section 8½-16 is
10 amended to read as follows:

11 **Sec. 8½-16. Schedule of civil penalties.**

12 . . .

13 (a) *Violations of Florida Building Code and Broward County Zoning Code:*

14 *SCHEDULE OF CIVIL PENALTIES*

15

		<i>Fine</i>	
	<i>Violation</i>	<i>First Violation</i>	<i>Repeat Violation</i>
16			
17	. . .		
18			
19	<u>(68) Failure to register residential rental unit (sec. 39-118)</u>	<u>100.00</u>	<u>200.00</u>
20			
21	<u>(69) Trash cans and receptacles unlawfully stored or maintained (sec. 39-275(6)(b))</u>	<u>50.00</u>	<u>100.00</u>
22			
23	<u>(70) Clotheslines unlawfully placed or maintained (sec. 39-275(3)(j))</u>	<u>50.00</u>	<u>100.00</u>
24			

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1 Section 2. Article IX½ of Chapter 39 of the Broward County Code of
2 Ordinances, "Landlord Registration and Residential Rental Property Inspections
3 Program," is hereby created to read as follows:

4 [UNDERLINING OMITTED]

5 **ARTICLE IX½. LANDLORD REGISTRATION AND RESIDENTIAL RENTAL**
6 **PROPERTY INSPECTIONS PROGRAM**

7 **Sec. 39-115. Title and purpose.**

8 This article shall be known as the "Landlord Registration and Residential Rental
9 Property Inspections Program." The purpose of the Program is to create a landlord
10 registration database of current and accurate information required to contact a property
11 owner, or designated entity, regarding health or safety violations, minimum housing
12 code complaints, or emergency situations at residential rental units. The Program's
13 further purpose is to conduct rental property inspections to address substandard
14 maintenance of rental properties, promote greater compliance with property
15 maintenance standards, protect property values, and preserve the quality of the
16 unincorporated area neighborhoods and available housing.

17 **Sec. 39-116. Landlord Registration and Residential Rental Property Inspections**
18 **Program established.**

19 The Landlord Registration and Residential Rental Property Inspections Program
20 for the unincorporated areas of Broward County is hereby established.

21 **Sec. 39-117. Definitions.**

22 (a) *Lease* shall mean any agreement or other arrangement, written or
23 otherwise, offered by a landlord to a lessee in order to lease, sublease, rent, license,
24 sublicense, or allow occupancy of a residential rental unit.

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1 (b) *Lessee* shall mean a person to whom a lease, sublease, license, or
2 residential rental agreement is granted, whether written or oral.

3 (c) *Owner* shall mean any person having any legal or equitable title in any
4 residential rental unit.

5 (d) *Residential Rental Certificate of Use ("Certificate")* shall mean a certificate
6 that shall be obtained from the Division by any person that leases a residential rental
7 unit to a lessee.

8 (e) *Residential rental unit* shall mean any residential dwelling that is leased for
9 residential purposes, including any single-family home, multi-family dwelling (including
10 condominium units), duplex, triplex, and quadraplex, mobile home, or other similar unit.
11 Residential rental unit shall not include any dwelling unit that is owned by a federal,
12 state, or local housing program or the federal Department of Housing and Urban
13 Development, hotels, motels, public lodging establishments, as defined in
14 Section 509.013, Florida Statutes, or any community residential facility licensed and
15 inspected by the state of Florida.

16 **Sec. 39-118. Landlord registration of residential rental units required.**

17 (a) No person shall lease a residential rental unit unless that person has
18 previously obtained from the Division a Certificate for that unit.

19 (b) Within ninety (90) days after the effective date of this article, each person
20 that currently leases a residential rental unit to another person shall apply for a
21 Certificate, unless exempt from the provisions of this article. Beginning
22 October 1, 2013, and for each year thereafter, each person intending to lease a
23 residential rental unit to a lessee during any part of the following year shall first obtain a
24 Certificate for that unit prior to entering into any lease or renewal for the unit.

1 (c) Application for a Certificate for each residential rental unit shall be on a
2 form prescribed by the Division, and shall include the legal name of the owner and
3 landlord, if different, direct mailing address, telephone number, twenty-four (24) hour
4 emergency telephone number, and if neither the owner nor the landlord maintains a
5 residence or place of business in Broward, Miami-Dade, or Palm Beach County, the
6 name and emergency contact information of a person with such a local residence or
7 place of business, who has been designated and authorized by the owner or landlord to
8 cure violations of this article. A separate application shall be made for each property
9 bearing a separate property identification number issued by the Broward County
10 Property Appraiser's Office.

11 (d) Each application shall be accompanied by an annual fee in the amount of
12 Seventy-five Dollars (\$75.00), which shall not be prorated.

13 (e) Within thirty (30) days after any change to the information provided in the
14 application, including a change in ownership, each person who has received a
15 Certificate shall inform the Division in writing of the change.

16 (f) No Certificate shall be issued until an inspection by a code enforcement
17 officer has been completed and the officer has determined that no material violation of
18 the requirements of this article exists on the property that is the subject of the
19 application. An inspection shall be completed, and a report of findings shall be filed, no
20 later than fifteen (15) business days after the Division's receipt of a complete
21 application. The report shall include findings on whether the property is subject to
22 outstanding code violations or lot-clearing liens or bills. Failure to complete the required
23 inspection and file a report within the time prescribed shall result in a determination that
24

1 no material violations of this article exist on the property that is the subject of the
2 application.

3 (g) An inspection report finding violations of this article shall be subject to
4 appeal through the procedures set forth in this chapter.

5 (h) Pursuant to Section 39-19, Broward County Code of Ordinances ("Code"),
6 the zoning official may initiate proceedings to revoke a Certificate if the property that is
7 the subject of the Certificate is in violation of the provisions of this article.

8 (i) Violations of this article may be enforced pursuant to Chapter 8½ of the
9 Code, Chapter 162, Florida Statutes, or other appropriate legal action. The County is
10 entitled to recover all costs and expenses of enforcement, including attorney's fees, and
11 such costs and expenses may be recorded as a lien against the property that was the
12 subject of the enforcement action, superior to all other liens and mortgages, except for
13 tax liens and mortgages recorded prior to the effective date of this article.

14 **Sec. 39-119. Maintenance requirements.**

15 (a) Each residential rental unit subject to the provisions in this article shall
16 meet the following minimum standards established by the specified sections of the
17 Code, in addition to any other Code requirements.

18 (1) *Untended vegetation, junk, trash, and litter.* Property grounds and
19 contiguous swale areas shall be kept free of overgrown groundcover and
20 hedges, junk vehicles and vessels, junk items, garbage, trash, litter, and
21 debris, pursuant to Subsections 39-133(a) and (d) of the Code.

22 (2) *Exterior wall surfaces.* The property shall be maintained free of chipping
23 paint, graffiti, or other discoloration or similar markings, pursuant to
24 Subsection 39-133(e)(1) of the Code.

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1 (3) *Doors and windows.* All doors and window openings shall be covered by
2 windows and doors in working order with no cracks, holes, or other signs
3 of disrepair, pursuant to Subsection 39-133(e)(2) of the Code.

4 (4) *Condition of accessory structures.* All accessory structures on property,
5 including, but not limited to, attached or detached carports and garages,
6 awnings, screen porches, utility buildings, and wood decks, shall be
7 maintained free of visual disrepair, including bent, broken, or missing
8 fence posts, slats, or other fencing materials, cut or missing mesh
9 screening, or broken or missing decking materials. Concrete fences or
10 walls shall be finished with stucco on both sides and painted in a color
11 compatible with the principal and accessory buildings on the plot, pursuant
12 to Subsection 39-133(e)(3) of the Code.

13 (5) *Outside storage.* The open air storage of any item is prohibited on the
14 exterior property grounds and carport areas, with the exception of usable
15 lawn, garden, or pool furniture or equipment, barbecues, toys, bicycles, or
16 trash cans in present use by the residents of the dwelling on the plot
17 where such items are stored, pursuant to Subsection 39-275(6)(b) of the
18 Code.

19 (6) *Swimming pools and spas.* All swimming pools and spas shall be
20 maintained so that the water remains free and clear of pollutants and
21 debris, and free of mosquito breeding or vermin infestation. Swimming
22 pools and spas shall comply with the enclosure requirements of
23 Subsection 39-275(5) of the Code, and the applicable provisions of the
24 Florida Building Code.

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1 (7) *Trash cans and receptacles.* All trash cans and recycling containers shall
2 be placed curbside for collection no more than twenty-four (24) hours prior
3 to the regularly scheduled collection, and removed and properly stored
4 within twelve (12) hours after collection. All receptacles containing
5 garbage or trash shall be tightly closed and maintained in a sanitary
6 condition. Receptacles, including recycling containers, when not placed
7 curbside for collection, must be concealed by a hedge, fence, or wall so
8 that they are substantially hidden from view at an eye level from adjacent
9 properties and street right-of-way, pursuant to Subsection 39-275(6)(b) of
10 the Code.

11 (8) *Parking and storage of private passenger vehicles.* All vehicles kept or
12 maintained at the property must be parked or stored, in a garage, carport,
13 permitted off-street parking area, or other paved or approved surface,
14 except that in one-family detached dwelling residential zoning districts, the
15 temporary parking of operable, currently licensed private passenger
16 vehicles shall be permitted in the swale area of rights-of-way sixty (60)
17 feet or less in width which are not designated as a collector or arterial by
18 the Broward County Trafficways Plan or non-trafficway collector roads,
19 pursuant to Subsection 39-215(g) of the Code.

20 (9) *Inoperative vehicles.* All vehicles kept or maintained at the property,
21 which are parked or stored outside of an enclosed residential garage,
22 must be in an operable, street-worthy condition, pursuant to Subsections
23 39-275(6)(c) and (d) of the Code.
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1 (10) *Clotheslines*. All clothing and similar materials placed or hung on exterior
2 portions of property must be located on properly placed clotheslines and
3 are not permitted to be attached to fences, hedges, or any other exterior
4 structure, utility, or furniture. Clotheslines shall be maintained in a safe
5 condition, shall not be permitted in the front yards of property, and shall be
6 located no closer than five (5) feet from any side or rear property line,
7 pursuant to Subsection 39-275(3)(j) of the Code.
8

9 Section 3. SEVERABILITY.

10 If any portion of this Ordinance is determined by any Court to be invalid, the
11 invalid portion shall be stricken, and such striking shall not affect the validity of the
12 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
13 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
14 or circumstance(s), such determination shall not affect the applicability hereof to any
15 other individual, group, entity, property, or circumstance.
16

17 Section 4. INCLUSION IN CODE.

18 It is the intention of the Board of County Commissioners that the provisions of
19 this Ordinance shall become and be made a part of the Broward County Code; and that
20 the sections of this Ordinance may be renumbered or relettered and the word
21 "ordinance" may be changed to "section," "article," or such other appropriate word or
22 phrase in order to accomplish such intentions.
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Section 5. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

ENACTED June 11, 2013

FILED WITH THE DEPARTMENT OF STATE June 18, 2013

EFFECTIVE June 18, 2013

JEN/gmb
04/30/13
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