

ORDINANCE NO. 21-019

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CREATING **CHAPTER 22, ARTICLE X – SHORT TERM AND VACATION RENTAL REGULATIONS**; ESTABLISHING STANDARDS AND REGULATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Pierce, Florida, desires to establish and enforce standards for vacation rental units and short-term rental units in the city in a manner which protects the character and quality of life in the neighborhood or area where the vacation rental units and short-term rentals are located while not unduly restricting the owner of the vacation rental units and short-term rentals from use of their property.

WHEREAS, on December 14, 2020, after hearing from the Planning Board, the City Commission suggested that staff assemble a working group comprised of residents, business owners and city staff to research and evaluate options for the regulation of short term and vacation rentals.

WHEREAS, at the June 14, 2021 Conference Agenda Meeting, the task force presented their findings to the City Commission, some of which are represented in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA;

SECTION 1. Chapter 22, Article X of the Fort Pierce Code of Ordinances, is hereby created as follows:

ARTICLE X. – SHORT TERM AND VACATION RENTAL REGULATIONS

DIVISION 1 - GENERALLY

Section 22-500 – Title.

This article shall be known as “Short Term and Vacation Rental Regulations”

Section 22-501- Purpose and intent.

The purpose of this article is to establish and enforce standards for vacation rental units and short-term rentals in the city in a manner which protects the character and quality of life in the neighborhood or area where the vacation rental units and short-term rentals are located while not unduly restricting the owner of the vacation rental units and short-term rentals from use of their property. Further, this article shall be construed and implemented to achieve the following intent and purposes of the city commission:

- 1) To establish the regulations, procedures and standards for the review and approval of all vacation rental units and short-term rentals in the city;
- 2) To preserve and foster the public health, safety, aesthetics, and general welfare, and to aid in the harmonious and orderly development of the city;
- 3) To establish a registration process that is efficient in terms of time, administration, and enforcement; effective in addressing the impacts of vacation rental units and short-term rentals; and equitable with regard to regulations and procedures, while respecting the rights of property owners;
- 4) To implement, and be in compliance with, the goals and policies of the city's comprehensive plan;
- 5) To ensure the safety of structures that are used as vacation rental units and short-term rentals.

Section 22-502 - Interpretation.

In the interpretation and application of this article, all standards, criteria, and requirements shall be liberally construed in favor of the purposes and goals of the city as set forth in its comprehensive plan and deemed neither to limit nor repeal any other lawful regulatory powers of the city.

Where this article conflicts with or overlaps other articles or regulations, the more stringent shall prevail.

If any issue arises concerning the application of regulations, definitions, development criteria, performance standards, or any other provisions of this article, the code compliance manager shall be responsible for their interpretation. Responsibility for interpretation by the code compliance manager shall be limited to standards, regulations, and requirements of this article. Such responsibility shall not be construed to substitute for or abrogate any right or responsibilities specified to the mayor, or the city commission, or any board or official named in other sections of the city's code of ordinances. The code compliance manager shall rely upon the goals, objectives, and policies adopted in this article, the code of ordinances, and the city's comprehensive plan in making any such interpretation.

Section 22-503 - Definitions.

Advertising means any form of communication for marketing that is used to encourage, persuade or manipulate viewers, readers or listeners into contracting for goods and/or services as may be viewed through various media, including, but not limited to, newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites, emails, or text messages.

Commercial event is defined as an event with the purpose of making money or where a venue is hired for a commercial function where attendees are charged entry, which may include, but is not limited to, events such as parties, entertainment events, and attractions.

Good neighbor brochure means a document prepared by the city that summarizes the general rules of conduct, consideration, and other information including provisions of the code of ordinances, pertaining to the use and occupancy of a dwelling unit used or occupied as a short-term rental or vacation rental.

Maximum occupancy shall be calculated as one person for every 200 square feet, under air-conditioned space, of the rental unit if the building is being rented out in its entirety. If only a room (or rooms) is being rented, or the rental unit is also being concurrently occupied by the owner (or other), then the maximum occupancy shall be calculated as one person for every 150 gross square feet of the room (or rooms) being rented. For the purpose of this definition, a person shall mean any individual over the age of five (5) years.

Noise means any sound that annoys or disturbs humans or causes or tends to cause an adverse psychological or physiological effect on humans or that would unreasonably interfere with the enjoyment of life or property.

Owner means a person who is the owner of record of real property as documented by deed or other document evidencing ownership recorded at the St. Lucie County Property Appraiser and the Clerk of Court.

Rental unit. Rental unit(s) means any unit in a condominium, apartment, or cooperative, or any individually or collectively owned single-family, two-, three-, and four-family, or multi-family residence or dwelling unit. For purposes of this article, the term "rental unit(s)" is synonymous with the term "vacation rentals" and "short-term rentals" and is subject to all requirements imposed on vacation rentals or short-term rentals.

Repeat violation refers to a violation of a provision of a code or ordinance by a person who has been previously found through the special magistrate or any other quasi-

judicial or judicial process, to have violated or who has admitted violating the same provision within five (5) years prior to the violation, notwithstanding the violations occur at different locations.

Residency shall mean a person's true, fixed location of bona fide domicile. It is the place a person intends to remain and return to when one leaves without intending to establish domicile elsewhere. Residency for the purpose of this article may only be demonstrated by the address listed on a Florida state-issued driver's license or a Florida state-issued identification card.

Short-term rental refers to rental units being rented for greater than 1 month but less than 6 months.

Vacation rental shall mean any unit in a condominium or cooperative or any individually or collectively owned single-family, two-family, or four-family house or dwelling unit that is also a transient public lodging establishment but that is not a timeshare project.

Vehicle means any vehicle or conveyance which is designed to travel along the ground or water. The term "vehicle" includes, but is not limited to, automobiles, buses, mopeds, motorcycles, trucks, tractors, trailers, go-carts, golf carts, motor homes, boats, watercraft and recreational vehicles.

Violation means any violation of any provision of the code, or any provision of local, state, or federal law or regulation for which the city has enforcement responsibility and/or authority. All definitions contained in the city's code of ordinances shall apply to this article; however, in the event of any conflict, the more stringent shall prevail.

Violator means the person or entity, natural or otherwise, in violation of those portions of the city's code of ordinances which are within the jurisdiction of the special magistrate. The term "violator" shall include each of the following: the owner of the property where the violation exists; the person in immediate control of the property where the violation exists, such as tenant or current resident; the person or entity that manages the property where the violation exists, such as a property management company or landlord, if separate from the owner; or manager or person in charge of the property where the violation exists. Multiple violators may be cited for a single violation. Any violation that is enforced against a violator as set forth in this section does not preclude the enforcement of the same violation against other violators.

Reserved 22-504 - 22-505.

DIVISION 2 - STANDARDS AND REQUIREMENTS

Section 22-506. - Standards and requirements.

- 1) *Generally.* All vacation rental units and short-term rentals, whether single-family homes, duplexes, condominium units, three or more unit complexes, or multiple family complexes, must meet the minimum standards for habitable structures set forth in the Florida Building Code, the Florida Fire Code, the Florida Life Safety Code, the Federal Emergency Management Agency laws and regulations, and the Code of Ordinances, subject to legal nonconformities.
- 2) *Registration.* All vacation rentals and short-term rentals shall be required to have an updated rental unit registration issued by the city clerk's office. A rental unit registration is nontransferable between owners. A change of ownership of the rental unit shall require the new owner or his agent to obtain a new rental unit registration for the vacation rental or short-term rental.
- 3) *Swimming pool, spa, and hot tub safety.* An in-ground or above-ground swimming pool, spa, or hot tub offered or made available as an amenity at a vacation rental unit shall comply with current standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes.

- 4) *Swimming pool, spa, and hot tub screening.* All in-ground and above-ground swimming pools, spas, and hot tubs at rental units shall meet the requirements contained in the Florida Building Code.
- 5) *Smoke and carbon monoxide (CO) detection and notification system.* A working smoke alarm and carbon monoxide (CO) alarm system shall be present within the rental unit and maintained on a continuing basis consistent with the requirements of Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code.
- 6) *Fire extinguisher.* A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected, and maintained in accordance with NFPA 10 on each floor of a rental unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location of the fire extinguisher.
- 7) *Emergency egress maintenance and lighting.* Halls, entrances, and interior stairways within a rental unit shall be clean and lit. Hall and stair runners shall be kept in good condition. Rails shall be installed on all stairways. A safe, continuous, and unobstructed path of travel shall be provided from any point in a building or structure to the exit. The means of egress shall comply with the International Fire Code.
- 8) *Local phone service.* At least one land line telephone or cellular telephone with the ability to call 911 or the local emergency number shall be available in the main level common area in the rental unit.
- 9) *Parking.*
 - a) The minimum required on-site parking for dwelling rentals shall be one (1) 9'6" x 19' space.
 - b) The maximum allowed on-site parking for each rental single-family dwelling shall be based on the number of dedicated 9'6" x 19' spaces on the lot in which the dwelling rental occupies.
 - c) In multi-family residential instances, the maximum number of parking spaces allowed for each dwelling rental shall be limited to those spaces which are specifically assigned to the rental unit and not those which would be shared by all of the building tenants' guests.
 - d) No overnight on-street parking shall be allowed by the responsible person/entity, renters, or their guests.
 - e) On-street parking shall only be allowed in marked and designated on-street parking areas.
 - f) No on-site parking shall be allowed on grassed surfaces, including boats, recreational vehicles, and other vehicles as defined in section in this article.
 - g) All on-site parking spaces and maneuvering areas shall comply with the surface material requirements set forth in section 125-315.
- 10) *Elevators.* Any rental unit with an elevator shall meet the applicable requirements of the Florida Building Code, Florida Statutes, and any other required regulatory agency.
- 11) *Solid waste handling and containment.* Vacation rental and short-term rental owners shall supply city-approved carts for containment of solid waste, etc. The owner or manager of a rental unit shall place the waste containers at a clearly marked location specified by the city and shall comply with the requirements of the Florida Building Codes and the code of ordinances.
- 12) *Noise.* Notwithstanding any other provision of this article, and in addition thereto, it shall be unlawful for any person to make, or cause or permit to be made, any noise disturbance. A person affected by a noise disturbance may include residents, law enforcement or code enforcement officials, or others who may be reasonably disturbed in the general conduct of their affairs.
 - a) Daytime noise regulations. Radios, tape player, or other mechanical or electronic sound making device or instrument, and similar devices, shall be prohibited in the following manner:

1. The operating or amplifying of any radio, tape player, or other mechanical or electronic sound making device or instrument or similar device which produces or reproduces sound on the public rights-of-way in such a manner as to be plainly audible to any person other than the operator of the device.
 2. The operating or amplifying of any radio, tape player, or other mechanical or electronic sound making device or instrument or similar device which produces or reproduces sound in such a manner that it is unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitivities within the area of audibility.
 3. The operating or playing of any radio, tape player, or other mechanical or electronic sound making device or instrument or similar device which causes physical vibration that is perceptible to reasonable persons of normal sensitivities within the closed confines of a residence.
 4. The operating or playing of any radio, tape player, or other mechanical or electronic sound making device or instrument or similar device which produces or reproduces sound in a motor vehicle in a manner as to be plainly audible at a distance of 25 feet.
- b) Nighttime noise regulations. Noise which is plainly audible from beyond the rental unit's property line, between the hours of 11 PM and 7 AM, shall constitute a violation of this section.
- 13) *Commercial events.* No rental unit may be leased as a location for a commercial event. It shall be prima facie evidence of a violation of this article for anyone to advertise or hold out the property to be used as a location for a commercial event.
 - 14) *Guests.* Each rental unit may host guests who are not counted towards the maximum occupancy of the unit. Guests may only park in code-permitted parking spaces and must vacate the premises between the hours of 12 AM (midnight) and 8 AM.
 - 15) *Tents.* Camping tents shall only be allowed on single-family lots and residences. Their placement shall be limited to the rear yards of these lots and shall be used exclusively by the individual tenants of the rental unit agreement.
 - 16) *Fireworks.* Fireworks shall only be permitted for a 24-hour period on December 31st and July 4th.
 - 17) *Domesticated animals.* Rental units which may allow domesticated animals to stay on-premises shall require that each animal wear a collar with an identification tag displaying, at minimum, the animal's name, the owner's name, and the owner's phone number or a microchip with the same information. Renters must be able to provide, upon request by any city or county official, a copy of proof of valid rabies vaccination for each animal. Such animals shall be at all times secured within the property lines or on a leash, but shall not be tethered. Continual nuisance barking by the animals is prohibited. The keeping of animals shall be subject to the regulations of this section and chapter 6 of the code regarding animals.
 - 18) *Advertising requirement.* All advertising for rental units shall identify the city-issued business tax receipt number associated with the advertised rental property. The vacation business tax receipt number shall be included on all advertising, including, but not limited to print and internet-based advertising. Advertisements that do not contain this information or that contain inaccurate information shall be deemed a violation of this section for each day that the advertisement runs. Advertisements shall be consistent with section 22-511 of this article.
 - 19) *Evacuation.* All occupants of the rental unit shall be required to promptly evacuate from the premises upon posting of any evacuation order issued by state or local authorities.
 - 20) *Sexual offenders.*

- a) In addition to general compliance with all federal, state, county, and local laws, it is the affirmative duty and responsibility of the property owner and rental unit responsible person, individually and collectively, to ensure that sexual offenders, as defined by state law, register with the St. Lucie County Sheriff's Department ("SLCSD"), in accordance with state law, as may be amended from time to time.
 - b) Notification of sexual offender status. At the time of reservation, the property owner or rental unit responsible person shall inquire if any rental unit occupant is a sexual offender, as defined by state law. If any rental unit occupant is a sexual offender as defined by state law, the property owner, rental unit agent, or both shall notify SLCSD within twenty-four (24) hours of being informed.
 - c) Non-compliance. A property owner's failure to comply with the provisions of this subsection shall constitute a violation of this section, and may subject the property owner to revocation of the rental unit registration.
- 21) *Posted or displayed information (interior).* There shall be provided, in the unit within ten (10) feet of the front door, all of the following information. This information shall be made available for inspection by county or city staff.
- a) The name, address, and phone number of the responsible person(s);
 - b) The maximum occupancy of the unit;
 - c) The maximum number of vehicles that can be parked at the unit, along with a sketch of the location of the parking spaces;
 - d) The days of trash pick-up, including type (i.e. bulk, recyclables, etc.). Trash shall not be placed for pick-up except after 6:00 pm on the day prior to pick-up, and the trash containers shall be removed from the curb no later than 6:00 pm on the day of pick-up, if applicable;
 - e) The location and contact information of the nearest hospital and police station, including non-emergency numbers;
 - f) A legible copy of the rental unit registration;
 - g) A legible copy of the rental unit business tax receipt;
 - h) A legible copy of this article; and
 - i) A legible copy of the agreement between the owner and the rental unit occupant(s), for the duration of the rental period covered by that agreement.
- 22) *Posted or displayed information (exterior).* Unless prohibited by association, condominium or similar restrictions, there shall be posted, in an easily visible manner, outside the rental unit within ten (10) feet of the front door, or the exterior of any fence, or in a common area provided for multi-unit dwellings, and encased in a weatherproof display, the contact information for the property owner or responsible person.

Section 22-507. - Existing legal nonconformities.

- 1) Throughout the city there exist rental units with valid Business Tax Receipts (BTRs) that are legal nonconformities from various ordinances. Notwithstanding the Florida Building Code, the Florida Fire Code, and the Florida Life Safety Code, it is not the intent of this article that these legal nonconformities be corrected as a condition of receipt of a rental unit registration. However, it shall be the responsibility of each rental unit to come into compliance with all of the minimum standards and requirements set forth in this article, as applicable.
- 2) For properties with existing BTRs, legal existing nonconformities shall be identified by the property owner and inventoried by the code enforcement department with the initial issuance of a rental unit registration. The final decision of whether a legal nonconformity exists shall be determined by the code enforcement department. The code enforcement department's

decision may be appealed to the city's special magistrate within 30 days after the department's decision. Issuance of a rental unit registration is affirmative assent of existing legal nonconformities. Change of ownership of property shall not invalidate existing nonconformities associated with the initial rental unit registration.

- 3) Upon issuance of subsequent rental unit registration, if it is the determination of the code enforcement department that there are nonconformities not identified and inventoried with the original rental unit registration, the code enforcement department shall require nonconformities to come into compliance prior to issuing a new rental unit registration. Appeals of the code enforcement department's decision may be appealed to the city's special magistrate.

Section 22-508. - Exemption for pre-existing rental agreements.

- 1) Notwithstanding any other provision of this article, rental agreements with prospective occupants for rental units that were pre-existing as of December 31, 2022, (hereinafter "pre-existing agreements") are exempt from the occupancy provisions of this chapter for maximum occupancy limits. Any pre-existing agreements for occupancy through 2022, shall be disclosed to the city by October 1, 2021. All advertising must be compliant for occupancy limits no later than October 1, 2021.
- 2) If a rental unit is cited for a violation of this article, (that would not be a violation if it were not for this section), when the rental unit is occupied under the terms of a pre-existing agreement, the rental owner may defend such violation based on the fact that the rental unit was exempt from this section due to it being occupied pursuant to a pre-existing agreement. Such defense shall be determined based upon the following information, and upon any additional information supplied by the rental unit owner or otherwise determined by the fact finder:
 - a) Copy of deposit or payment information evidencing that the agreement was a pre-existing agreement.
 - b) Copy of e-mail or other communication evidencing a binding pre-existing agreement.
 - c) Information from the occupant confirming that there was a binding agreement in a time frame to make the agreement as pre-existing agreement under this section.
- 3) If it is reasonably determined by the city staff, and confirmed by the city's special magistrate, that any information supplied to the city in support of an application for exemption, or in support of a defense based upon pre-existing agreement, was intentionally false or fraudulent, the person supplying the false or fraudulent information shall be subject to the penalties contained in this article.

Section 22-509. - Management company or responsible person.

- 1) An owner of a rental unit may designate a management company or responsible person to manage the unit on his/her behalf.
- 2) Said management company shall have an office located within St. Lucie County. The responsible person shall officially reside in a dwelling unit located within St. Lucie County. Proof of residency shall be demonstrated to the city clerk's office in the form of a Florida Driver's License or Florida Identification Card only.
- 3) The city will provide a form for such purpose which must be completed and submitted to the city. The designation of management company or responsible person does not relieve the owner of the responsibility to comply with all state and local statutes and ordinances.
- 4) Upon a change of ownership or a transfer of management company or responsible person of a rental unit, the owner shall notify the city of the new

owner, manager, and/or responsible person within ten (10) business days of such change. A vacation rental or short-term rental owner may change this authorization by submitting a new properly executed authorization form. The new owner, management company, or responsible person shall comply with all procedural requirements of the code of ordinances and the conditions of the registration for the rental unit being transferred.

- 5) The management company or responsible person shall respond to any and all calls within one (1) hour. The failure of a management company or responsible person to respond within one (1) hour, three (3) times within a twelve-month period shall result in the revocation of the entity's ability to manage the rental unit on behalf of the property owner for a period of twelve months from the time that their management abilities are rescinded.

Section 22-510. - Application for rental unit registration.

The application shall contain all information relevant to review and approval of a rental unit registration, including but not limited to, the following information:

- 1) Property owner.
 - a) Name.
 - b) Address.
 - c) Mailing address (if different).
 - d) Telephone number.
 - e) E-mail address.
- 2) Property management or responsible person.
 - a) Name.
 - b) Address.
 - c) Mailing address (if different).
 - d) Telephone number.
 - e) Local emergency and contact phone with 24-hour availability for receiving notice of violations.
 - f) E-mail address.
- 3) Property and rental unit address and telephone number.
 - a) Number and street address, including individual unit numbers or letters.
 - b) The name of the rental unit property (e.g., "Mermaid's Hideaway"), if one is used.
 - c) The cell phone or landline number for the rental unit.
- 4) Proof of ownership. The following proofs of ownership must be submitted:
 - a) Copy of recent profile from property appraiser.
 - b) Active Sunbiz registration for corporate ownership, if applicable.
- 5) Parcel identification number (assigned by the county property appraiser).
- 6) Property description type.
 - a) Single-family unit.
 - b) Duplex unit.
 - c) Triplex unit, quadraplex unit, or similar.
 - d) Condominium unit.
- 7) Maximum occupancy.
- 8) Parking.
 - a) Number of onsite parking spaces.
 - b) Location of onsite parking spaces.
- 9) Exterior site sketch.
- 10) Interior building sketch (including all bedrooms, extinguishers, alarms, ingress/egress, living spaces, etc.).
- 11) Florida Department of Business & Professional Regulation license number (if applicable).
- 12) Florida Sales Tax Identification Number.
- 13) St. Lucie County Tourist Development Tax Account Number.
- 14) St. Lucie County Business Tax Receipt (if applicable).
- 15) Payment of all applicable fees.

- 16) Verification of no pending Code Enforcement proceedings for the rental unit.
- 17) Proof of no outstanding balance due to the city for the rental unit.

Section 22-511. - Rental unit advertising requirement.

All advertising for rental units shall indicate the city rental unit Business Tax Receipt number, the maximum occupancy limit of the rental unit, and the maximum parking available on the property as specified on the rental unit registration on file with the city clerk. The advertisement shall also include the following:

- 1) A reference to rental unit regulations as found in Chapter 22, Article X;
- 2) A reference to sea turtle protection requirements (for coastal areas only) as found in Section 16-82;
- 3) A reference to domestic animal regulations as found in Chapter 6;
- 4) A reference to limited pet-friendly parks and beaches in the area; and
- 5) A link to the city's code of ordinances found at:
https://library.municode.com/fl/fort_pierce/codes/code_of_ordinances.

Advertisements that do not contain this information or that contain inaccurate information shall be deemed a violation of this article and subject to the penalties contained in this article.

Section 22-512. - Modification of rental unit registration.

An amendment of a rental unit registration shall be required in the event that any of the following changes to the dwelling rental are proposed:

- 1) An increase in the maximum occupancy of the rental unit;
- 2) An increase or decrease in the number of parking spaces, or a change in the location of parking spaces for the rental unit; or
- 3) A change in ownership, management company, or responsible person of the rental unit.

Section 22-513. - Duration of rental unit registration.

Rental unit registrations shall expire on September 30 of each year.

Section 22-514. - Renewal of rental unit registration.

- 1) Rental unit registrations must be renewed annually prior to the expiration date of September 30.
- 2) The renewal shall consist of the following:
 - a. A completed renewal application;
 - b. Copy of current state required licenses;
 - c. Updated management company or responsible person information;
 - d. Verification of no pending code enforcement proceedings for the rental unit;
 - e. Verification of no outstanding balance due to the city for the rental unit;
 - f. Attestation that no modifications have been made to the unit;
 - g. All applicable fees;
- 3) In the event the renewal is not completed within the specified timeframe, a written request for an extension must be submitted to the city clerk no later than fifteen (15) days prior to the expiration date. The request for an extension must specify the reason for the extension and the extension period being requested. The decision of the city clerk shall be in writing and may approve the request as submitted, modify the request, or deny the request. If denied, an explanation for the denial shall be provided.

Section 22-516. - Denial and revocation of rental unit registration.

- 1) The city clerk may revoke or deny the issuance of a rental unit registration if it is determined that an applicant:

- a) Has obtained the registration by fraud, false statement, misrepresentation, or failure to truthfully answer any question in the required registration application;
 - b) Has failed to satisfy the standards and requirements contained in this article;
 - c) Has failed to obtain required approvals from the state or obtain a city business tax receipt; or
 - d) Has received three (3) orders of violation as determined by the special magistrate within the same fiscal year.
- 2) Not later than 30 days after the filing of a completed application for a rental unit registration, the applicant shall be notified by the city clerk's office of the decision on the issuance or denial of the registration. If the issuance of the rental unit registration is approved, the city clerk shall issue the registration. If the registration is denied, the applicant shall be provided with a statement of the reasons for denial, which reasons shall be entered in writing on the application. Failure of the city clerk to place notification of said decision in the mail or personally notify the applicant with acknowledgment shall require immediate issuance of the requested registration to the applicant.
 - 3) Any person aggrieved by the denial or revocation of a registration as provided in this article shall have the right to appeal to the city commission. Such appeal shall be taken by filing with the city clerk's office, within 14 days after notice of the action complained of has been mailed to such person's last-known address, a written statement setting forth specifically the ground of the appeal. The city clerk shall set a date and the time and place of hearing of such appeal. Such notice shall be mailed, postage prepaid, to the applicant at his last-known address at least five days prior to the date set for hearing. The decision and order of the city commission on such appeal shall be final and conclusive.
 - 4) Applications which have been denied or revoked that remain under the same ownership, may reapply after a period of 12 months has elapsed from the date of the denial or revocation.

Reserved 22-517 – 22-520.

DIVISION 3. - ENFORCEMENT

Section 22-521. - Enforcement of rental units.

- 1) The police department's officers, code enforcement officers, and any other city employees designated by the city manager shall enforce this article; complaints may be filed with the City using all available and acceptable methods.
- 2) Provisions of this article may be enforced by the city as a civil violation pursuant to chapter 1, article II, division 2 or chapter 1, article II, division 3.
 - a) Violations of this article addressed by chapter 1, article II, division 3 shall be addressed via a citation and shall:
 1. Be issued directly to the violator (tenant/occupant).
 2. Be issued for each individual and separate violation.
 3. Be considered a class II violation.
 - b) Violations of this article addressed by chapter 1, article II, division 2 shall be addressed via notice of violation and shall:
 1. Be issued to the property owner, per state statute 162.12(1)(a), with additional copies provided to the management company or responsible person.
 2. Be issued as a result of any violation of any provision of this section or be issued as a result of the issuance of a citation to a tenant or occupant.

3. Shall be considered irreversible and, per state statute 162.09(2)(a), may result in a fine of up to \$5,000 per violation.
- 3) Each consecutive day that a violation continues may be considered a separate violation.
- 4) Copies of all enforcement activities shall be provided to the city clerk's office.

SECTION 2. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 4. This Ordinance shall be and become effective on this 19th day of July, 2021.

APPROVED AS TO FORM & CORRECTNESS:

Peter J. Sweeney
City Attorney

STATE OF FLORIDA
COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 21-019 was duly advertised by title only in the St. Lucie News Tribune on June 26, 2021; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on July 6, 2021; and was duly introduced, read by title only, and passed on second and final reading July 19, 2021 by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 19th day of July, 2021.

Linda Hudson
MAYOR COMMISSIONER

ATTEST:

(CITY SEAL)

Linda W. Cox, City Clerk