

ORDINANCE NO. 22-033

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; **CHAPTER 22, ARTICLE X, SHORT TERM AND VACATION RENTAL REGULATIONS**, REMOVING SECTION 22-507- EXISTING LEGAL NONCONFORMITIES; AMENDING SECTION 22-516- DURATION OF RENTAL UNIT REGISTRATION; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission discussed the short term and vacation rental registration program regarding the fees charged, program costs, and enforcement efforts at the September 12, 2022 City Commission Conference Agenda; and

WHEREAS, the City Commission supported modifying the renewal date of short term and vacation rental registrations from renewing on September 30 of each year to anniversary renewals based upon application and registration issuance; and

WHEREAS, as part of the change to the renewal date, other minor modifications to the code were deemed necessary and prudent;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida:

SECTION 1. Chapter 22, Article X, Division 2, Sec. 22-507 is hereby amended so the same shall read as follows:

Sec. 22-507. Existing legal nonconformities. Reserved.

~~(a) 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.~~

~~(b) 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.~~

~~(c) 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.~~

~~(Ord. No. 21-019, § 1, 7-19-2021)~~

SECTION 2. Chapter 22, Article X, Division 2, Sec. 22-513 is hereby amended so the same shall read as follows:

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

~~Rental unit registrations shall expire on September 30 of each year.~~ Rental unit registrations shall expire annually from the date of initial registration.

(Ord. No. 21-019 , § 1, 7-19-2021)

SECTION 3. All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 4. 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, which shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. This Ordinance shall take effect immediately upon passage.

APPROVED AS TO
FORM AND CORRECTNESS:

Tanya M. Earley, Esq.
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. 22-033 was duly advertised by title only in the St. Lucie News Tribune **on August 27, 2022**; 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 **September 6, 2022**; and was duly introduced, read by title only, and passed on second and final reading on **September 19, 2022**, by the City Commission of 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 September, 2022**.

Linda Hudson, Mayor

ATTEST:

Linda W. Cox
City Clerk

(SEAL)