

ORDINANCE NO. 2022-12

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE CODE OF ORDINANCES BY REPEALING CHAPTER 71 TITLED "RENTAL DWELLING UNIT LICENSES" IN ITS ENTIRETY, AND AMENDING AND RENUMBERING IT AS CHAPTER 16 TITLED "RENTAL DWELLING UNIT LICENSES," AS CONTAINED HEREIN, TO SIMPLIFY THE CODE, REMOVE UNECESSARY AND OBSOLETE PROVISIONS, AND ESTABLISH A LICENSING PROCESS FOR RENTAL DWELLING UNITS THAT PROMOTES THE PUBLIC HEALTH, SAFETY, AND WELFARE BY FACILITATING COMMUNICATION BETWEEN WELLINGTON AND RENTAL DWELLING UNIT OWNERS AND ENCOURAGING MAINTENANCE OF RENTAL DWELLING UNITS IN COMPLIANCE WITH WELLINGTON'S CODES; PROVIDING A REPEALER CLAUSE; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Wellington Council, as the governing body, pursuant to the authority vested in it by Chapter 166, Florida Statutes, and Article VIII, Section 2 of the Florida Constitution, is authorized and empowered to adopt legislation to govern the affairs of its citizens; and

WHEREAS, Wellington adopted its first Code of Ordinances in 1997, shortly after incorporation, and since that time has adopted revisions as necessary to protect the health, safety and welfare of its citizens; and

WHEREAS, Wellington believes that it is in the best interest of the community to make additional modifications to the Code of Ordinances to remove outdated and unnecessary provisions and to simplify the provisions set forth therein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF WELLINGTON, FLORIDA, THAT:

SECTION 1: Chapter 71 of Wellington's Code of Ordinances is hereby repealed in its entirety, and is amended and renumbered as Chapter 16, titled "Rental Dwelling Unit Licenses," and is hereby adopted as specifically provided in Exhibit A attached to this Ordinance.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington Ordinance, Resolution, or Municipal Code provision, then in that event the provisions of

47 this Ordinance shall prevail to the extent of such conflict.

48
49 **SECTION 4:** Should any section, paragraph, sentence, clause, or phrase of this
50 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
51 shall not affect the validity of this Ordinance as a whole or any portion or part thereof,
52 other than the part so declared to be invalid.

53
54 **SECTION 5:** This Ordinance shall become effective immediately upon adoption
55 of the Wellington Council following second reading.

56
57 **PASSED** this _____ day of _____, 2022 upon first reading.

58
59 **PASSED AND ADOPTED** this _____ day of _____, 20__ on second and
60 final reading.

61
62 **WELLINGTON**

	FOR	AGAINST
63 BY: _____	_____	_____
64 Anne Gerwig, Mayor		
65		
66 _____	_____	_____
67 John McGovern, Vice Mayor		
68		
69 _____	_____	_____
70 Michael Drahos, Councilman		
71		
72 _____	_____	_____
73 Michael Napoleone, Councilman		
74		
75 _____	_____	_____
76 Tanya Siskind, Councilwoman		
77		
78		
79		

80 **ATTEST:**

81
82 BY: _____
83 Chevelle D. Addie Village Clerk
84

85
86 **APPROVED AS TO FORM AND**
87 **LEGAL SUFFICIENCY**

88
89
90 BY: _____
91 Laurie S. Cohen, Village Attorney
92
93

EXHIBIT A

~~Chapter 71—RENTAL DWELLING UNIT LICENSES⁽¹⁾~~

Footnotes:

~~---(1)---~~

Editor's note—Ord. No. 2014-31, § 1, adopted Dec. 9, 2014, amended Ch. 71 in its entirety to read as herein set out. Former Ch. 71, §§ 71-1—71-40, pertained to similar subject matter, and derived from Ord. No. 2008-17, § 1, adopted Oct. 14, 2008.

~~Secs. 71-1—71-20.—Reserved.~~

~~Sec. 71-21.—Definitions.~~

~~For the purposes of this chapter, the following definitions shall apply:~~

~~*Department* means the division of Wellington's municipal government containing the Code Compliance Division, as assigned by the village manager.~~

~~*Director* means the director of the planning, zoning and building department or designee.~~

~~*Dwelling unit* means the definition provided in Article 3 of Wellington's Land Development Regulations.~~

~~*License* means a rental dwelling unit license.~~

~~*Owner* means any legal owner of record, legal owner, person, company, corporation, firm, or similar entity owning one or more rental dwelling units and includes the authorized landlord, agent or representative of an owner.~~

~~*Rental dwelling unit* means any dwelling unit that is rented for residential purposes.~~

~~*Rental dwelling unit license* means the license that must be obtained by an owner prior to entering into a written lease, oral agreement or other similar instrument for the purpose of leasing one or more dwelling units.~~

~~*Serious nuisance* means activities which threaten the health, morals, safety, comfort, convenience, or welfare of a community.~~

~~*Sexual offender* means the definition as provided in section 36-41, of the Code of Ordinances.~~

~~*Sexual predator* means the definition as provided in section 36-41, of the Code of Ordinances.~~

~~(Ord. No. 2014-31, § 1, 12-9-14)~~

~~Sec. 71-22.—Inclusion of and requirements for authorized agents or representatives or agents.~~

~~(a) Each owner of one or more rental dwelling units must comply with the provisions set forth in sections 71-21 through 71-39 of this Code. An owner may appoint an agent or authorized representative to act on its behalf. Any such shall comply with each of the following requirements:~~

~~(1) The representative or agent shall be at least 18 years of age; and~~

~~(2) The representative or agent shall be a resident of Palm Beach County, Florida.~~

~~(b) If a new or additional representative is appointed by an owner, the representative's name, address, and telephone number shall be supplied to the department by the owner within 15 days after the appointment.~~

~~(Ord. No. 2014-31, § 1, 12-9-148)~~

~~Sec. 71-23.—Exemptions.~~

~~The following types of residential or transient dwelling units shall be exempt from the requirements of this chapter:~~

~~(1) Any rental dwelling unit, the operation of which is licensed by the state;~~

~~(2) Any accessory dwelling as defined in Chapter 2 of Article 3, "Definitions", of the Land Development Regulations of the Village of Wellington;~~

~~(3) Any room rented for transient lodging purposes when associated with a bed and breakfast, hotel, inn, lodge, motel, or similar facility;~~

~~(4) Any quarters or guest quarters for employees or guests of owner; and~~

~~(5) Any security quarters or similar type of dwelling.~~

~~(Ord. No. 2014-31, § 1, 12-9-14)~~

~~Sec. 71-24.—Rental dwelling unit license required.~~

~~(a) A license required by this chapter shall be obtained by the owner of any rental dwelling unit located within the village. Following the effective date of this ordinance, any owner of one or more rental dwelling units shall obtain a license to lease such unit. The license shall be obtained a minimum of 15 calendar days prior to the rental of such dwelling.~~

~~(b) A rental dwelling unit shall not be leased, rented or sublet without a rental dwelling unit license.~~

~~(c) Failure to obtain or maintain a rental dwelling unit license shall be subject to penalties as provided herein.~~

~~(Ord. No. 2014-31, § 1, 12-9-14)~~

~~Sec. 71-25.—Application and affidavit.~~

~~Each year, the owner of a rental dwelling unit shall complete a rental license application and affidavit acknowledging that each rental dwelling unit and each tenant living therein shall comply with all applicable codes.~~

~~(1) The department shall determine the form or forms of the rental license application, but at a minimum the application shall contain the information listed below.~~

~~a. The name, telephone number and address of the operator, representative or agent actively managing the rental dwelling unit for which the license is required.~~

~~b. The legal address of the rental dwelling unit for which the license is applied.~~

~~c. The number of units, specific types of units, and the number of bedrooms within each rental dwelling unit.~~

- ~~d. The name, telephone number and address of the owner or owners, or partners if a partnership, or corporate officers if a corporation, for each rental dwelling unit for which a license is required.~~
 - ~~e. The name, telephone number, address and name of a representative for any homeowners association or property owners association in which the rental dwelling unit is located.~~
 - ~~f. The signature of the owner.~~
 - ~~g. A statement that the owner has received an affidavit from the prospective tenant(s) attesting that no residents of the dwelling unit are registered as a sexual offender or a sexual predator.~~
 - ~~h. A statement that the landlord has reviewed the up-to-date list of sexual offenders and sexual predators and determined that the prospective tenant or tenants are not included on the list.~~
 - ~~i. An acknowledgment that the requirements of sections 36-40 through 36-44 of Wellington's Code of Ordinances relating to sexual offenders or sexual predators shall apply to all leases, subleases or rentals of dwelling units within Wellington.~~
- ~~(2) The owner of a rental dwelling unit shall execute an affidavit as part of the application to obtain a rental dwelling unit license. The affidavit shall be in a form approved by the village attorney. The affidavit shall include the following:~~
- ~~a. A statement that the owner is aware of all code requirements applicable to residential properties, including applicable requirements of the land development regulations, and including but not limited to maintenance and appearance of residential dwellings, proper disposal of garbage and trash, proper storage of garbage cans, and proper parking of personal and commercial vehicles;~~
 - ~~b. A statement that the owner will comply with code requirements applicable to residential properties, including applicable requirements of the land development regulations, and including but not limited to maintenance and appearance of residential dwellings, proper disposal of garbage and trash, proper storage of garbage cans, and proper parking of personal and commercial vehicles; and~~
 - ~~c. A statement that the owner will inform all tenants of code requirements applicable to residential properties, including applicable requirements of the land development regulations, and including but not limited to maintenance and appearance of residential dwellings, proper disposal of garbage and trash, proper storage of garbage cans, and proper parking of personal and commercial vehicles.~~
- ~~(3) The inspection of the premises will include an inspection of the landscaping to determine if the landscaping is being maintained in accordance with the approved plans and the village's land development regulations.~~

~~(Ord. No. 2014-31, § 1, 12-9-14)~~

~~Sec. 71-26. Rental dwelling unit license fee and license renewal.~~

- ~~(a) Rental dwelling unit licenses shall be renewed each year not later than October 1. An application for renewal shall be filed with the department at least 60 calendar days prior to October 1 of each year. For an existing unit for which ownership has not changed, no license renewal fee shall be charged if the renewal application is received timely. If a renewal application is not received timely a late penalty of \$37.50 shall be charged if the application is received in October and an additional \$7.50 per month shall be charged for every additional month or any portion thereof, beyond November 1 of each year. This late penalty shall be in addition to any fines that may be assessed as a result of code enforcement action as provided in Chapter 2, Article IV of the Code of Ordinances.~~

~~(b) In the event ownership of the rental dwelling unit changes, the new owner shall submit to the village an initial application in accordance with subsection (a) above, within 30 days from the date of such ownership transfer.~~

~~(Ord. No. 2014-31, § 1, 12-9-14)~~

~~Sec. 71-27. Rental dwelling unit inspection.~~

~~(a) Upon receipt of a properly completed license application or renewal license application and all required affidavits and fees, an inspection shall be conducted to determine if the dwelling unit is in conformance with all applicable rules and regulations of the village and county, state or federal governments. The inspection shall include, but not be limited to, the following items:~~

- ~~(1) Exterior condition and appearance of the dwelling unit, yard, accessory buildings and any other associated structure;~~
- ~~(2) Facilities for the proper disposal of rubbish, garbage and vegetative matter;~~
- ~~(3) Review of and compliance with property maintenance standards, as established in the Code of Ordinances and the land development regulations;~~
- ~~(4) Such other items as may be appropriate to the individual rental dwelling unit, as determined by the director; and~~
- ~~(5) Compliance with applicable landscape standards or requirements.~~

~~(b) Thereafter, each rental dwelling unit shall be inspected annually, unless otherwise provided herein.~~

~~(Ord. No. 2014-31, § 1, 12-9-14)~~

~~Sec. 71-28. Maintenance of structures and property.~~

~~(a) All structures and property shall be maintained in accordance with all applicable standards and requirements of the Code of Ordinances, the land development regulations and the Florida Building Code. The procedures for enforcement of all codes and regulations, as provided in section 30-55 of the Code of Ordinances, is modified as indicated below.~~

~~(b) Each owner of rental property shall, if required by the village, label all garbage cans and recycling bins with the address or address and unit number to which the cans and bins are assigned. Garbage cans and recycling bins shall be labeled within 30 calendar days of written notification by the village of this requirement.~~

~~(c) The owner shall be responsible for any violation of village requirements regarding the following:~~

- ~~(1) Times and locations when garbage cans, bulk waste, and recycling bins are to be set out for disposal and taken in following pickup; and~~
- ~~(2) The location and screening of garbage cans and recycling bins.~~

~~(Ord. No. 2014-31, § 1, 12-9-14)~~

~~Sec. 71-29. Consent to inspection.~~

~~The submission of a license application shall constitute consent to and authorization by the owner of the premises to the conduction of an inspection by the village of the exterior of all buildings or structures containing the rental dwelling unit, the land upon which the rental dwelling unit is located and accessory uses or structures related to the rental dwelling. Failure to allow entry to property for a required inspection may constitute sufficient reason for the denial or revocation of the rental dwelling unit license.~~

~~(Ord. No. 2014-31, § 1, 12-9-14)~~

~~Sec. 71-30.— Reinspection fees.~~

~~If a department inspector or representative notices a violation during the rental dwelling unit inspection, the inspector or representative shall reinspect the premises to confirm that the violations have been corrected. If the violations have not been corrected within the timeframe provided in a notice an additional fee in the amount of \$50.00 shall be assessed for each succeeding reinspection, until compliance has been obtained.~~

~~(Ord. No. 2014-31, § 1, 12-9-14)~~

~~Sec. 71-31.— Transfer prohibited.~~

~~A rental dwelling unit license shall not be transferred to another rental dwelling unit owner. Each owner with a rental dwelling unit shall provide written notice to the department within 24 hours after having transferred or otherwise disposed of the legal control of any licensed rental dwelling unit. Following notification, the new owner shall apply for a new license within 30 days of such transfer. An inspection of the rental dwelling unit is required following the transfer of ownership. Transfer of ownership shall not eliminate the requirement for the annual inspection of a rental dwelling unit.~~

~~(Ord. No. 2014-31, § 1, 12-9-14)~~

~~Sec. 71-32.— Suspension, revocation and reinstatement of license.~~

- ~~(a) The department may suspend or revoke a rental dwelling unit license or deny an application for a license based upon any of the following:~~
- ~~(1) If the license was issued in error or if the license was issued on the basis of false, incomplete, incorrect or inaccurate information supplied in an application;~~
 - ~~(2) If the license was issued for a rental dwelling unit that was sold or transferred to a new owner, and the new owner did not apply for a license within the required period of time;~~
 - ~~(3) If the department determines the use of the dwelling unit constitutes a nuisance or is in violation of any ordinance, rule or regulation of the village, county, state or federal government;~~
 - ~~(4) If the owner has failed to or refused to pay fees to the village for required applications, or inspections;~~
 - ~~(5) If the owner or applicant has failed to comply with any conditions set forth in any permit or development order granted by the village;~~
 - ~~(6) If the activities of person(s) residing within a rental dwelling unit create or have created a serious nuisance or danger to the public health, safety or welfare; or~~
 - ~~(7) If the owner fails to comply with all applicable portions of the code relating to renting or leasing a residence to sexual offenders or sexual predators.~~
- ~~(b) The owner of record will be notified of the suspension or revocation by the department via registered mail return receipt requested.~~
- ~~(c) When requested by the department and approved by the director, upon issuance of a notice of suspension or revocation the property owner may be required to:~~
- ~~(1) Within 15 calendar days of the notification of suspension or revocation, submit a management plan to the department for the dwelling to achieve full compliance within the timeframe provided by Wellington's regulations, or such other time as the department finds reasonable. Upon~~

~~approval by the department, the management plan shall be instituted by the owner within 30 calendar days, and;~~

- ~~(2) Maintain the rental dwelling unit so that it does not violate any additional applicable code provisions or nuisance activities during the timeframe of the management plan. The rental dwelling unit may be offered for rent during the timeframe of the management plan.~~
- ~~(d) Upon completion of the management plan and provided the rental dwelling unit is in compliance with the provisions set forth herein and all applicable code provisions, the owner may submit a written request to the department for reinstatement of the license. The request shall be accompanied by a fee of \$75.00 per license.~~
- ~~(e) Failure to comply with applicable code provisions or continued nuisance activities during the timeframe of the management plan may result in revocation of the rental dwelling unit license.~~
- ~~(f) Upon issuance of a notice of suspension or revocation of a rental dwelling unit license, a dwelling unit shall be vacated within 30 calendar days from the date of the suspension or revocation.~~
- ~~(g) Appeals shall be submitted pursuant to section 71-38, Appeals.~~

~~(Ord. No. 2014-31, § 1, 12-9-14)~~

~~Sec. 71-33. Prohibited rentals.~~

~~The rental of real property for permanent or temporary residential purposes to sexual offenders and sexual predators that does not comply with all requirements of Chapter 36, Article IV, of the Code of Ordinances is prohibited.~~

~~(Ord. No. 2014-31, § 1, 12-9-14)~~

~~Sec. 71-34. Penalties.~~

~~Any owner, owner's representative, person or tenant violating any provision of this chapter shall be subject to enforcement as provided in Article IV, Chapter 2, of the Code of Ordinances or applicable law.~~

~~(Ord. No. 2014-31, § 1, 12-9-14)~~

~~Sec. 71-35. Alternative to licensure and inspection.~~

- ~~(a) As an alternative to the licensure and inspection requirements of this chapter, the owner of large scale rental property may register, on an annual basis, as the provider of rental dwelling units, subject to the standards of this section. Registration is required on an annual basis, and is subject to each requirement of this section. Registration as the provider of rental dwelling units may occur if an applicant for registration complies with each of the standards listed below.~~
 - ~~(1) The provider owns, manages or operates a rental dwelling complex containing at least 50 dwelling units.~~
 - ~~(2) The rental dwelling unit complex is located on a compact, contiguous property, and is operated as a single entity, with common entries, management, amenities, etc.~~
 - ~~(3) The provider is responsible for ongoing upkeep, maintenance and repair of all structures, dwellings, landscaping, grounds, amenities and similar common features.~~
 - ~~(4) The provider provides proof of management by a bonded management company.~~
 - ~~(5) The provider signs an affidavit that each unit complies with and is maintained in accordance with all applicable land development regulations and with all applicable building, landscaping,~~

~~appearance, property maintenance codes and requirements adopted by the village. The affidavit shall allow the village to enter and inspect the exterior of the rental dwelling complex if the village believes the complex does not comply with applicable regulations, codes and requirements.~~

- ~~(6) The provider agrees to allow the village an inspection, as part of the initial registration process, to ensure compliance with all applicable land development regulations and with all applicable building, landscaping, appearance and property maintenance codes and requirements adopted by the village.~~
- ~~(7) The provider completes the registration form. The registration shall be established by the department, and shall include but is not limited to such information as the name, address, and telephone number of the owner, the registered agent or representative, the management company, the onsite manager and the emergency contact for the complex.~~
- ~~(8) The provider pays an annual registration fee of \$1,000.00 or as otherwise established by resolution of the village council.~~
- ~~(9) The provider agrees to comply with all applicable portions of Chapter 36, Article IV, of this Code regarding permanent or temporary rental of a dwelling unit to a sexual offender or sexual predator.~~
- ~~(b) Once a rental dwelling complex is registered, then the complex is exempt from each of the following:~~
 - ~~(1) Obtaining an annual license for each rental dwelling unit;~~
 - ~~(2) Complying with other requirements applicable to rental dwelling complexes of less than 50 units.~~

~~(Ord. No. 2014-31, § 1, 12-9-14)~~

~~Sec. 71-36. Reliance upon license or inspection.~~

~~The license and inspection required by this chapter are not a representation, guarantee or warranty of any kind by the village with respect to the fitness of the dwelling for residential purposes or that the dwelling unit complies with all applicable village, county, state or federal codes and requirements. There shall be no reliance by any person on the rental license as to the condition of such dwelling unit. Each lease for a rental dwelling unit executed within the village shall contain a statement substantially in the form of this section.~~

~~(Ord. No. 2014-31, § 1, 12-9-14)~~

~~Sec. 71-37. Access to change of occupancy records.~~

~~The owner shall make available to the department any rental record necessary to determine when changes of occupancy have occurred. The records shall be made available within not more than two weeks after a written request by the director.~~

~~(Ord. No. 2014-31, § 1, 12-9-14)~~

~~Sec. 71-38. Appeals.~~

~~Any person aggrieved by the suspension, denial or revocation of a rental dwelling license by the department may appeal to the special magistrate, as established in section 2-203 of the Code of Ordinances. The decision of the department shall be provided in writing to the owner of the rental dwelling unit within ten calendar days after the decision has been made. An appeal shall be filed within 30 calendar days following receipt of the decision.~~

~~(Ord. No. 2014-31, § 1, 12-9-14)~~

~~Sec. 71-39. — Other remedies.~~

~~Nothing contained herein shall prohibit the Village of Wellington from enforcing its codes by any other means, including, but not limited to, injunction, abatement or as otherwise provided by Code.~~

~~(Ord. No. 2014-31, § 1, 12-9-14)~~

Chapter 16 - RENTAL DWELLING UNIT LICENSES

Sec.16-1. - Definitions.

For the purposes of this chapter, the following definitions shall apply:

Department means the division of Wellington's municipal government containing the Code Compliance Division, as assigned by the Village Manager.

Director means the Director of the Planning, Zoning and Building Department or their designee.

Dwelling unit means the definition provided in Article 3 of Wellington's Land Development Regulations.

License means a rental dwelling unit license.

Owner means any legal owner of record, beneficial owner, person, company, corporation, firm, or similar entity owning one or more rental dwelling units and includes the authorized landlord, agent or representative of an owner.

Rental dwelling unit means any dwelling unit that is rented for residential purposes.

Rental dwelling unit license means the license that must be obtained by an owner prior to entering into a written or oral agreement or other similar instrument for the purpose of leasing a rental dwelling unit.

Sexual offender has the same meaning as provided in section 13-8, of this Code.

Sexual predator has the same meaning as provided in section 13-8, of this Code.

Sec. 16-2. - Inclusion of and Requirements for Agents or Authorized Representatives.

(a) Each owner of one or more rental dwelling units must comply with the provisions set forth in sections 16-1 through 29 of this Code. An owner may appoint an agent or authorized representative to act on its behalf. Any such agent or authorized representative shall comply with each of the following requirements:

(1) The representative or agent shall be at least 18 years of age; and

(2) The representative or agent shall be a resident of Palm Beach County, Florida.

(b) If a new or additional representative is appointed by an owner, the owner must provide the person or entity's name, address, and telephone number to the department within 15 days after the appointment.

Sec. 16-3. - Exemptions.

The following types of residential or transient dwelling units shall be exempt from the requirements of this chapter:

(1) Any rental dwelling unit, the operation of which is licensed by the state;

(2) Any accessory dwelling as defined in Article 3 of the Wellington Land Development Regulations;

(3) Any room rented for transient lodging purposes when associated with a bed and breakfast, hotel, inn, lodge, motel, or similar facility;

- (4) Any quarters or guest quarters for employees or guests of owner;
- (5) Any vacation rental as defined in Article 6 of the Wellington Land Development Regulations; and
- (6) Any security quarters or similar type of dwelling.

Sec. 16-4. - Rental Dwelling Unit License Required.

- (a) Any owner of one or more rental dwelling units shall obtain a license from Wellington to lease, rent, or sublet each such unit. The license shall be obtained a minimum of 15 calendar days prior to the rental of each such rental dwelling unit.
- (b) Failure to obtain or maintain a rental dwelling unit license shall be subject to penalties as provided in this chapter.

Sec. 16-5. - Application and Affidavit.

At least annually, and prior to the rental of any rental dwelling unit, the owner shall complete a rental dwelling unit license application and affidavit acknowledging that the rental dwelling unit and each tenant or occupant living therein shall comply with all applicable codes.

- (1) The department shall determine the form or forms of the rental dwelling unit license application, but at a minimum the application shall contain the information listed below.
 - a. The name, telephone number, and address of the operator, representative or agent actively managing the rental dwelling unit.
 - b. The legal address of the rental dwelling unit.
 - c. The type of unit and the number of bedrooms within the rental dwelling unit.
 - d. The name, telephone number, and address of the owner or owners of the rental dwelling unit.
 - e. The name, telephone number, address, and name of a representative for any homeowners association, property owners association, or condominium association applicable to the rental dwelling unit.
 - f. The signature of the owner.
- (2) The owner of a rental dwelling unit shall execute an affidavit as part of the application to obtain a rental dwelling unit license. The affidavit shall be in a form approved by the Wellington Attorney. The affidavit shall include the following:
 - a. A statement that the owner is aware of and agrees to comply with all code requirements applicable to residential properties, including applicable requirements of the Wellington Land Development Regulations, and including but not limited to maintenance and appearance of residential dwellings, proper disposal of garbage and trash, proper storage of garbage cans, and proper parking of personal and commercial vehicles;
 - b. A statement that the owner will inform all tenants of the rental dwelling unit of all code requirements applicable to residential properties, including applicable requirements of the Wellington Land Development Regulations, and including but not limited to maintenance and appearance of residential dwellings, proper disposal of garbage and trash, proper storage of garbage cans, and proper parking of personal and commercial vehicles.
 - c. An acknowledgment that the requirements of Chapter 13, Article III of this Code relating to sexual offenders and sexual predators applies to all agreements, leases, subleases, or rentals of rental dwelling units in Wellington; and
 - d. If the rental dwelling unit is located within 2,500 feet of any school, child care facility, park, or playground, as those terms are defined in Chapter 13, Article III of this Code;

1. A statement that the owner will obtain an affidavit from each prospective tenant stating that the tenant and all people who will reside with them are not prohibited from establishing such residence pursuant to Chapter 13, Article III of this Code; and
2. A statement that the owner will conduct a nationwide search of the United States Department of Justice National Sex Offender Public Website to confirm that each prospective tenant and all persons who will reside with them are not a registered sexual offender or sexual predator.

Sec. 16-6. - Rental Dwelling Unit License Fee and License Renewal.

- (a) The fee for an initial rental dwelling unit license application filed pursuant to this chapter is \$75.00. Subject to the provisions of section 16-15, the owner of more than one rental dwelling unit must apply for and maintain a separate rental dwelling unit license for each unit.
- (b) Each rental dwelling unit license must be renewed at least annually. An application for renewal must be filed with the department at least 60 calendar days prior to October 1 of each year. Wellington will not charge a renewal fee so long as ownership of the rental dwelling unit has not changed and the renewal application is timely received. If a renewal application is not received timely, a late penalty of \$37.50 shall be charged for renewal applications received during the month of October and an additional \$7.50 per month, or any portion thereof, shall be charged for renewal applications received after October 31. This late penalty shall be in addition to any fines assessed as a result of a code enforcement action brought pursuant to Chapter 2, Article IV of this Code.
- (b) In the event ownership of the rental dwelling unit changes, the new owner must submit a new application for a rental dwelling unit license in accordance with the requirements of this chapter.

Sec. 16-7. - Rental Dwelling Unit Inspection.

- (a) Upon receipt of a properly completed rental dwelling unit license application or annual renewal application and all required affidavits and fees, Wellington shall conduct an inspection to determine if the rental dwelling unit is in conformance with all applicable rules and regulations of Wellington and county, state, and federal governments. The inspection shall include, but not be limited to, the following items:
 - (1) Exterior condition and appearance of the rental dwelling unit, yard, accessory buildings, and any other associated structure;
 - (2) Facilities for the proper disposal of rubbish, garbage and vegetative matter;
 - (3) Review of and compliance with property maintenance standards, as established in this Code and the Wellington Land Development Regulations; and
 - (4) Compliance with applicable landscape standards or requirements.
- (b) Thereafter, each rental dwelling unit shall be inspected annually, unless otherwise provided herein.
- (c) This section shall not be interpreted as authorizing Wellington to conduct an inspection of the interior of any rental dwelling unit without first obtaining either consent to enter for purposes of inspection by a person having lawful possession and control of the premises or obtaining an inspection warrant pursuant to state law.

Sec. 16-8. - Maintenance of Structures and Property.

- (a) All structures and property containing the rental dwelling unit must be maintained in accordance with all applicable standards and requirements of this Code, the Wellington Land Development Regulations

and the Florida Building Code. In addition, each owner must abide by the requirements set forth in subsections (b) and (c) below.

- (b) Each owner of a rental dwelling unit shall, if required by Wellington, label all garbage cans and recycling bins with the address and unit number, if applicable, to which the cans and bins are assigned. Garbage cans and recycling bins must be labeled within 30 calendar days of written notification by Wellington of this requirement.
- (c) The owner of a rental dwelling unit is responsible for any violation of Wellington requirements relating to the rental dwelling unit, including but not limited to:
 - (1) Times and locations when garbage cans, bulk waste, and recycling bins are to be set out for disposal and taken in following pickup; and
 - (2) The location and screening of garbage cans and recycling bins.

Sec. 16-9. - Consent to Inspection.

The submission of a rental dwelling unit license application constitutes consent and authorization from the owner for Wellington to conduct an inspection of the exterior of all buildings or structures containing the rental dwelling unit, the land upon which the rental dwelling unit is located, and accessory uses or structures related to the rental dwelling unit.

Sec. 16-10. - Reinspection Fees.

If a department inspector or representative notices a violation during the rental dwelling unit inspection, the inspector or representative will issue a notice to the owner in accordance with the procedures set forth in this Code. Upon expiration of the timeframe provided for the owner to correct the violation, the inspector or representative will reinspect the premises to confirm that the violation(s) have been corrected. If the violation(s) are not corrected within the specified timeframe, the owner will be assessed an additional fee in the amount of \$50.00 for each succeeding reinspection, until compliance has been obtained. Such fee shall be in addition to any other fees imposed pursuant to Chapter 162, Florida Statutes or Chapter 2 of this Code.

Sec. 16-11. - Transfer Prohibited.

A rental dwelling unit license shall not be transferred to another rental dwelling unit owner. Each owner with a rental dwelling unit shall provide written notice to the department within 24 hours after having transferred or otherwise disposed of the legal control of any licensed rental dwelling unit. The new owner shall apply for a new license within 30 days of such transfer. An inspection of the rental dwelling unit pursuant to this chapter is required following the transfer of ownership. Transfer of ownership shall not eliminate the requirement for the annual inspection of a rental dwelling unit.

Sec. 16-12. - Suspension, Revocation and Reinstatement of License.

- (a) For purposes of this section, the term "license" refers to a rental dwelling unit license. The department may suspend or revoke a license or deny an application for a license based upon any of the following:
 - (1) The license was issued in error or the license was issued on the basis of false, incomplete, incorrect or inaccurate information supplied in an application;
 - (2) The license was issued for a rental dwelling unit that was sold or transferred to a new owner, and the new owner did not apply for a license within the required period of time;
 - (3) The dwelling unit is in violation of any ordinance, rule or regulation of Wellington, the county, state, or federal government;
 - (4) The owner has failed or refused to pay fees to Wellington for required applications or inspections;

- (5) The owner has failed to comply with any conditions set forth in any permit or development order granted by Wellington; or
 - (7) The owner has failed to comply with all applicable portions of this Code relating to renting or leasing a residence to sexual offenders or sexual predators.
- (b) The owner will be notified of the suspension or revocation of a license by the department via certified mail return receipt requested.
- (c) If requested by the department and approved by the director, upon issuance of a notice of suspension or revocation the owner may be required to:
 - (1) Within 15 calendar days of the notice of suspension, submit a management plan to the department for the rental dwelling unit to achieve full compliance within the timeframe provided by Wellington's regulations, or such other time as the department finds reasonable. Upon approval by the department, the management plan shall be instituted by the owner within 30 calendar days; and
 - (2) Maintain the rental dwelling unit so that it does not violate any additional applicable code provisions during the timeframe of the management plan. The rental dwelling unit may be offered for rent during the timeframe of the management plan.
 - (3) Upon completion of the management plan and provided the rental dwelling unit is in compliance with the provisions set forth herein and all applicable code provisions, the owner may submit a written request to the department for reinstatement of the license. The request shall be accompanied by a fee of \$75.00 per license.
 - (4) Failure to comply with applicable code provisions during the timeframe of the management plan may result in revocation of the rental dwelling unit license.
- (d) Upon issuance of a notice of suspension or revocation of license, the rental dwelling unit must be vacated within 30 calendar days from the date of the suspension or revocation unless a management plan is submitted and approved in accordance with this section.
- (g) Appeals shall be initiated pursuant to section 16-18.

Sec. 16-13. - Prohibited Rentals.

The rental of real property to any sexual offender or sexual predator as defined in Chapter 13 that does not comply with all requirements of Chapter 13, Article III, of this Code is prohibited.

Sec. 16-14. - Penalties.

In addition to the penalties set forth in this chapter, any owner, owner's representative, person, or tenant violating any provision of this chapter shall be subject to enforcement as provided in Article IV, Chapter 2, of this Code or applicable law.

Sec. 16-15. - Registration for Large Scale Rental Property.

- (a) As an alternative to the individual licensure and inspection requirements of this chapter, the owner of large scale rental property may register as the provider of rental dwelling units, subject to the standards of this section. Registration is required on an annual basis. To register under this section, an owner must meet each of the criteria listed below:
 - (1) The owner owns, manages or operates a rental dwelling unit complex containing at least 50 rental dwelling units.
 - (2) The rental dwelling unit complex is located on a compact, contiguous property, and is operated as a single entity, with common entries, management, amenities, etc.
 - (3) The owner is responsible for ongoing upkeep, maintenance and repair of all structures, dwellings, landscaping, grounds, amenities, and similar common features.

- (4) The owner provides proof of management by a bonded management company.
- (5) The owner signs an affidavit stating that each unit complies with and is maintained in accordance with all applicable Land Development Regulations and with all applicable building, landscaping, appearance, and property maintenance codes and requirements adopted by Wellington. The affidavit shall allow Wellington to inspect the exterior of the rental dwelling unit complex on an annual basis, and as needed, for compliance with applicable regulations, codes, and requirements.
- (6) The owner completes the application form established by the department, which will include but is not limited to such information as the name, address, and telephone number of the owner, the registered agent or representative, the management company, the onsite manager, and the emergency contact for the complex.
- (8) The owner pays an annual registration fee of \$1,000.00 or as otherwise established by resolution of the Wellington Council.
- (9) The owner agrees to comply with all applicable portions of Chapter 13, Article III, of this Code regarding renting or leasing a rental dwelling unit to a sexual offender or sexual predator.
- (b) An owner who registers a rental dwelling unit complex pursuant to this section is exempt from obtaining an annual license for each rental dwelling unit within the rental dwelling unit complex.
- (c) Registration obtained pursuant to this section shall not be transferred to another owner.

Sec. 16-16. - Reliance upon License or Inspection.

The license and inspection required by this chapter are not a representation, guarantee or warranty of any kind by Wellington that a rental dwelling unit is fit for residential purposes or that the rental dwelling unit complies with all applicable Wellington, county, state, or federal codes and requirements. There shall be no reliance by any person on the rental dwelling unit license as to the condition of such rental dwelling unit. Each contract for a rental dwelling unit located within Wellington shall contain a statement substantially in the form of this section.

Sec. 16-17. - Access to Change of Occupancy Records.

The owner shall make available to the department any rental record necessary to determine when changes of occupancy of a rental dwelling unit have occurred. The records shall be made available within not more than two weeks after a written request by the director.

Sec. 16-18. - Appeals.

Any person aggrieved by the department's suspension, denial, or revocation of a rental dwelling unit license may appeal the decision to the special magistrate, as established in Chapter 2 of this Code. The decision of the department shall be provided in writing to the owner within 10 calendar days after the decision has been made. An appeal to the special magistrate shall be filed with Wellington within 30 calendar days following receipt of the department's decision.

Sec. 16-19. - Other Remedies.

Nothing contained herein shall prohibit Wellington from enforcing its codes by any other means, including, but not limited to, injunction, abatement or as otherwise provided by this Code and Florida law.

