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AN ORDINANCE OF THE CITY OF CITY OF MARGATE, FLORIDA, AMENDING CHAPTER 33 - POLICE AND LAW ENFORCEMENT; OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE IX-MISCELLANEOUS, ADDING SECTION 33-109, ENTITLED "RESIDENTIAL LANDLORD REGISTRATION PROGRAM"; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR REGISTRATION; PROVIDING FOR FEES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, many of these properties are the responsibility of out-of-state owners and the records of the Broward County Tax Collector and Broward County Property Appraiser do not

1

1 contain all information necessary to contact an owner in case  
2 of a health and safety violation or an emergency; and

3 **WHEREAS,** it is in the best interest of the health and  
4 safety of the citizens of Margate that any violations are  
5 cured as quickly as possible and that single family  
6 residential rental properties be included within the  
7 Residential Landlord Registration Program which will enable  
8 the City to have better contact information for owners; and

9 **WHEREAS,** it is necessary to off-set the City's cost for  
10 the registration program; and

11 **WHEREAS,** the City Commission of the City of Margate  
12 therefore finds it to be in the best interests of the health,  
13 safety, and welfare of the citizens of Margate to include all  
14 rented single family dwelling units, including but not  
15 limited to townhomes, rowhouses, duplexes, and triplexes,  
16 within the Landlord Registration and to impose a registration  
17 fee; and

18 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**  
19 **THE CITY OF MARGATE, FLORIDA THAT:**

20 **Section 1.** The foregoing "WHEREAS" clauses are  
21 hereby ratified and confirmed as being true and correct, and  
22 are hereby incorporated herein and made a part hereof.

NOTE: This entire ordinance recites new language and therefore the City Attorney's Office has not underscored the entire ordinance.

1           Section 2.           That Chapter 33 - Police and Law  
2       Enforcement; Offenses and Miscellaneous Provisions, Article  
3       IX - Miscellaneous, of the City of Margate's Code of  
4       Ordinances, is hereby amended to provide for new Section 33-  
5       109 as follows:

6       Section 33-109. - Residential Landlord Registration Program

7           (1) *Purpose and intent.* This section shall be known as  
8       the " Residential Landlord Registration Program" The purpose  
9       of the Program is to create a landlord registration database  
10      of current and accurate information required to contact a  
11      property owner, or designated entity, regarding health or  
12      safety violations, minimum housing code complaints, or  
13      emergency situations at residential rental units.

14          (2) *Definitions.* The following words, terms and phrases,  
15      when used in this article, shall have the meanings ascribed  
16      to them in this section, except where the context clearly  
17      indicates a different meaning. Where words have not been  
18      defined, the most recent edition of the Merriam-Webster  
19      Unabridged Dictionary shall prevail.

20          (a) *Landlord* means a person who owns and rents one (1)  
21      or more residential dwelling units.

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1 (b) Lease shall mean any agreement or other  
2 arrangement, written or otherwise, offered by a landlord  
3 to a lessee in order to lease, sublease, rent, license,  
4 sublicense, or allow occupancy of a residential rental  
5 unit.

6 (c) *Lessee* shall mean a person to whom a lease,  
7 sublease, license, or residential rental agreement is  
8 granted, whether written or oral.

9 (d) *Owner* shall mean any person having any legal or  
10 equitable title in any residential rental unit.

11 (e) *Registration* means the completion of landlord  
12 registration form for the rental property.

13 (f) *Residential rental unit* shall mean any residential  
14 dwelling that is leased, with or without remuneration,  
15 for residential purposes, including any single-family  
16 home, multi-family dwelling (including condominium  
17 units), duplex, triplex, mobile home, or other similar  
18 unit. Residential rental unit shall not include any  
19 dwelling unit that is owned by a federal, state, or local  
20 housing program or the federal Department of Housing and  
21 Urban Development, hotels, motels, public lodging

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1 establishments, as defined in Section 509.013, Florida  
2 Statutes, or any community residential facility licensed  
3 and inspected by the state of Florida.

4 (3) Landlord registration of residential rental units  
5 required.

6 (a) All persons who lease or offer for lease one (1) or  
7 more residential dwelling units or residential property  
8 within the city, whether with a written or oral  
9 agreement, and constitutes a lease of property for  
10 residential purposes, shall complete a landlord  
11 registration form for the residential dwelling unit. If a  
12 person owns property at more than one (1) location, a  
13 separate registration is required for each property  
14 location.

15 (b) Applications for the Residential Landlord  
16 Registration Program shall be available through the City.  
17 The registration shall be for a period of one (1) year  
18 for the period commencing October 1st of each calendar  
19 year and expiring on September 30th of the following  
20 calendar year. The City shall annually submit a notice of  
21 renewal to the applicant.

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1 (c) Landlord registration application must be filed with  
2 the City on forms provided for that purpose, which shall  
3 include, but not be limited to, the following  
4 information:

5 1. The property owner's (landlord's) name, address  
6 and telephone number, email address, and any other  
7 emergency contact information.

8 2. If the applicant is a corporation, partnership,  
9 limited liability company or any other legal entity,  
10 the full name and address of the business and the  
11 state of incorporation.

12 3. The legal address(s) of the dwelling unit(s) for  
13 which the registration is applied; and the legal  
14 description and folio number as indicated with the  
15 Broward County Property Appraiser's Office.

16 4. The name of the complex or community, if  
17 applicable, and whether it is a condominium or  
18 townhouse. If a condominium, the name of the  
19 association. If the single-family dwelling unit or  
20 townhouse is within a community with a homeowner's  
21 association, the name and address of the association.

22 5. The name, address, telephone number, and e-mail

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1 address of the designated property manager/agent. An  
2 owner who resides out of the tri-county area  
3 (Broward, Miami-Dade, Palm Beach) shall designate a  
4 property manager/agent, preferably in the tri-county  
5 area, that may be the first point of contact should  
6 there be any matters related to the property,  
7 including an emergency. Any notices required by the  
8 City Code or by Florida Statutes will also be sent to  
9 the designated property manager/agent. If the  
10 property manager/agent is authorized to act on behalf  
11 of the owner, an affidavit or corporate resolution  
12 providing for such authorization shall be filed with  
13 this application.

14 6. The number of buildings and residential dwelling  
15 units on the property owned by landlord.

16 7. Whether the applicant and/or its principals has  
17 ever been cited for, or found in violation of any  
18 required codes and if so, the date, jurisdiction,  
19 nature of violation and disposition of violation.

20 8. In addition to the information above, the owner  
21 shall:

22 a. maintain a listing of the names of the tenants

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1           residing within the units. This list will not be  
2           required to be submitted with the application;  
3           however, the list should be made available to the  
4           City upon reasonable notice; and

5           b. provide to the tenants a copy of a pamphlet  
6           containing guidelines for rental property provided  
7           by the City; and.

8           c. if the property is sold, the seller of the  
9           property shall notify the buyer of the property of  
10          the requirements of this section and the seller  
11          shall advise the buyer to submit a new  
12          registration. The new registration shall be  
13          submitted within thirty (30) calendar days of a  
14          change in ownership of the property.

15          (d) Certification from the property owner/landlord  
16          that all tenants and prospective tenants have been  
17          screened and that there are no violations related  
18          to Article XII - Sexual Offender and Sexual  
19          Predators of City Code.

20          (e) Statement of accuracy and signature: The  
21          application form shall contain substantially the  
22          following language:

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1           "The undersigned has carefully reviewed this  
2           application and all facts, figures, statements  
3           contained in this application are true, correct,  
4           and complete. The undersigned understands that  
5           failure to comply with the City's ordinances may  
6           result in the issuance of a citation or a notice  
7           of violation/notice of hearing that may require a  
8           hearing before a special magistrate and could  
9           result in administrative fines, and other  
10          penalties pursuant to Section 1-8 of City Code,  
11          being imposed."

12          The applicant shall print and sign the  
13          registration application immediately after the  
14          statement required above, and the person's  
15          title/capacity in relation to the property.

16          (4) The owner shall make available to the City, upon a  
17          reasonable request, any rental record necessary to determine  
18          when changes of occupancy have occurred. In this regard, the  
19          tenant listing shall be made available to City upon request.

20          (5) Subsequent to the filing of the application, it is  
21          the responsibility of the owner to update the information

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1 within thirty (30) calendar days, if there is any change to  
2 the information on file with the City.

3 (6) An annual renewal of the registration is required.  
4 The City shall submit notification of renewal to the property  
5 owner. It is the responsibility of the owner, or his  
6 designated agent, to update, as required, any and all  
7 information required for the registration. Completed  
8 applications for renewal which are not received by the City  
9 by October 15<sup>th</sup> of each year, shall be subject to a late fee,  
10 established by resolution of the City Commission.

11 (7) For single-family residential dwelling units,  
12 including townhouses, the City shall include a self-  
13 inspection check-list as part of the initial registration  
14 application that must be completed by the owner of record or  
15 designee.

16 (a) The self-inspection checklist must be submitted to  
17 the City at the time the initial registration  
18 application is submitted. The owner of record of the  
19 property or designee must certify that the inspection  
20 has been completed and the results of the inspection, as  
21 indicated on the check-list is accurate and complete.

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1 (b) For any items on the checklist that are not in  
2 compliance at the time of submittal, the property owner  
3 shall be given a reasonable period of time to correct,  
4 and if not corrected, could result in an appearance  
5 before a special magistrate.

6 (c) The self-inspection checklist shall include but not  
7 be limited to code requirements related to health and  
8 safety concerns (i.e. swimming pools, mowing and  
9 maintaining the lawn, trash and litter and house  
10 address) and property maintenance (i.e. discolored roof,  
11 exterior storage, inoperable vehicles, required  
12 landscaping, screening of accessory structures).

13 (d) Every year the owner of the property or designee  
14 shall certify that the property is still in compliance  
15 pursuant to this section on a form made available by the  
16 City.

17 (8) *Registration Fees.* Fees for registration and any  
18 applicable late fees shall be set by resolution of the City  
19 Commission.

20 (9) *Applicability.* This Section shall be considered  
21 cumulative and not superseding or subject to any other law or

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1 provision for same, but shall rather be an additional remedy  
2 available to the City above and beyond any other state,  
3 county and/or local provisions for same.

4 (10) *Penalties.* Any person who shall violate the  
5 provisions of this Section shall, upon conviction, be  
6 punished as provided in Section 1-8 of the City of Margate  
7 Code of Ordinances.

8 (11) *Opposing, obstructing enforcement officer;*  
9 *penalty.* Whoever opposes, obstructs or resists any  
10 enforcement officer or any person authorized by the  
11 enforcement office in the discharge of duties as provided in  
12 this article, upon conviction shall be punished as provided  
13 in Section 1-8.

14 (12) *Adoption of rules; expenditure of funds;*  
15 *declaration of City purpose.* The City Manager or his/her  
16 designee is authorized and empowered to adopt rules,  
17 regulations, and procedures and expend City funds as may be  
18 reasonably necessary and available to carry out the terms of  
19 this Section, the expenditure of such funds being declared a  
20 proper City purpose.

21  
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1           **Section 3.**       It is the intention of the City  
2 Commission of the City of Margate, Florida that the  
3 provisions of this ordinance shall become and be made a part  
4 of the City of Margate Code of Ordinances. The sections of  
5 this ordinance may be re-numbered or re-lettered and the word  
6 "ordinance" may be changed to "section," "article," or such  
7 other appropriate word or phrase in order to accomplish such  
8 intentions.

9           **Section 4.**       All Ordinances or parts of Ordinances,  
10 Resolutions or parts of Resolutions in conflict herewith be,  
11 and the same are hereby repealed to the extent of such  
12 conflict.

13           **Section 5.**       If any clause, section, or other part or  
14 application of this Ordinance shall be held by any court of  
15 competent jurisdiction to be unconstitutional or invalid, such  
16 unconstitutional or invalid part or application shall be  
17 considered as eliminated and so not affecting the validity of  
18 the remaining portions or applications remaining in full force  
19 and effect.

20           **Section 6.**       This Ordinance shall become effective  
21 immediately upon its passage and adoption.  
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PASSED ON FIRST READING THIS \_\_\_\_\_ day of \_\_\_\_\_ 2021.  
PASSED ON SECOND READING THIS \_\_\_\_\_ day of \_\_\_\_\_ 2021.

ATTEST:

_____	_____
JOSEPH KAVANAGH	MAYOR ARLENE R. SCHWARTZ
CITY CLERK	

RECORD OF VOTE - 1ST READING		RECORD OF VOTE - 2ND READING	
Caggiano	_____	Caggiano	_____
Simone	_____	Simone	_____
Ruzzano	_____	Ruzzano	_____
Arserio	_____	Arserio	_____
Schwartz	_____	Schwartz	_____

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