

ORDINANCE NO. 2019-2174

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF SECTION 6-130 OF THE NEW PORT RICHEY CODE OF ORDINANCES; PERTAINING TO RESIDENTIAL RENTAL PERMIT FEES; PROVIDING FOR ESTABLISHMENT OF THE FEE BY RESOLUTION; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council desires to establish the residential rental permit fee from the code of ordinances and establish the same from time to time by resolution as an administrative matter, consistent with other fees provided for City permits; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City in accordance with the City's police powers.

NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:

Section 1. Subsection (a) of Section 6-130 of the Code of Ordinances, pertaining to the permit for a residential rental property, is hereby amended as follows (strikeout text is deleted and underlined text is added):

- (a) *Permit required; permit fee.* A residential rental permit shall be required each year for each and every residential rental property located within the city. Permits shall be issued for periods of one (1) calendar year and shall be effective January 1 of each year and shall expire December 31 of each year. Each owner of a residential rental property for which a permit is required who does not possess a city occupational license for such residential rental property shall pay an annual permit fee established by the City Council by resolution from time to time of thirty five dollars ~~(\$35.00)~~ for each residential rental property owned by such owner, which shall be paid at the time of submittal of such owner's application for a residential rental permit. The permit fee shall be due in full with each application without pro-ration regardless of whether the application is received after commencement of an annual permit term.

Section 2. Subsection (d) of Section 6-130 of the Code of Ordinances, pertaining to the renewal of the permit for a residential rental property, is hereby amended as follows (strikeout text is deleted and underlined text is added):

- (d) *Annual permit renewal.* Each holder of a residential rental permit shall be required to renew such permit annually. The billing and collection office shall, in early November of each year, send to each holder of a residential rental permit a notice for renewal and a permit application form. A permit holder shall not be relieved of the obligation to timely file a renewal application by reason of a failure of the billing and collection office to send to the permit holder a notice for renewal or a permit renewal application, nor shall the permit holder, under such circumstances, be relieved of the obligation to timely pay the annual permit fee or any late fee. Renewal

applications for each residential rental permit, together with payment of the annual ~~thirty-five dollar (\$35.00)~~ permit fee as provided in Subsection (a), shall be filed with the billing and collection office no later than December 31 each year. Late filed permit renewal applications shall be subject to, and the applicant shall be required to pay, a late charge equivalent to the annual permit fee of thirty-five dollars (\$35.00) for each expired residential rental permit in addition to the regular ~~thirty-five dollar (\$35.00)~~ permit fee for each permit. Operation of a residential rental property with an expired permit shall constitute operation without a permit for code enforcement purposes. Late filing of a permit renewal application resulting in issuance of a permit shall not toll any pending code enforcement proceedings relating to operation without a license nor constitute a defense in any such proceedings.

Section 3. Conflict with Other Ordinances and Codes. All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict. The enacting ordinance, number 1843, identified the above subject code section as 6-129, but it was renumbered in the codification thereof to 6-130, to which this Ordinance pertains. This Ordinance hereby establishes the renumbering of Section 6-129 of Ordinance 1843 as Section 6-130.

Section 4. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 5. Effective Date. This ordinance shall take effect immediately upon its adoption as provided by law.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 3rd day of December, 2019, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 17th day of December, 2019.

ATTEST:

By: _____
Judy Meyers, CMC, City Clerk

By: _____
Robert Marlowe, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE SOLE
USE AND RELIANCE OF THE CITY OF NEW PORT RICHEY,
FLORIDA:

Timothy P. Driscoll, City Attorney