

**LEGISLATIVE**

**#100591**

**D R A F T                      6/29/2011**

**ORDINANCE NO. 100591**

**An ordinance of the City of Gainesville, Florida, amending Subsection 14.5(c) of the City of Gainesville Code of Ordinances to authorize judicial resolution of delinquent fees; amending Section 14.5(d), City of Gainesville Code of Ordinances, relating to landlord permit fees; adding an additional method for collection and enforcement of delinquent fees; providing a method for Code Enforcement Board imposed fines to stop accruing; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date in accordance with the schedule provided herein.**

**WHEREAS**, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a public hearing to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

**WHEREAS**, the Public Hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:**

**Section 1.** Subsection (c) of Chapter 14.5 of the City of Gainesville code of Ordinances is amended to read as follows:

**Sec. 14.5-1. – Landlord permits.**

(c) *Payment; late payment.* The city shall bill each applicant or holder of a landlord permit for the annual fee, once the city manager or designee determines that all requirements for the permit have been met. If payment is not received on the due date, an extra fee shall be due and payable as specified in Appendix A. If payment is not received within the time frames specified in Appendix A, the city manager or designee may refer the account to a collection agency. If the collection agency does not collect the amount due within 90

30 days of the referral, or if the city manager or designee decides not to refer the account to  
 31 a collection agency, the applicant or permit holder shall be subject to notice of citation for  
 32 violation of this article and proceedings before the code enforcement board- , or the case  
 33 can be referred to the city attorney to pursue resolution in a court of competent  
 34 jurisdiction.

35 **Section 2.** Subsection (d) of Chapter 14.5 of the City of Gainesville Code of Ordinances  
 36 is hereby amended to read as follows:

37 **Sec. 14.5-1. - Landlord permits.**

38 (d) *Failure to apply for permit.* If the city manager or designee has reasonable cause to  
 39 believe that a dwelling unit is occupied without a permit in violation of this article, the  
 40 owner of the property shall be given notice that a permit is required and that an  
 41 application must be filed with the city within 30 days of the notice. If an application is  
 42 not received on the due date, an extra fee shall be charged for the permit as specified in  
 43 appendix A. Failure to apply, or provide evidence that a permit is not required, within the  
 44 time frames specified in appendix A shall subject the owner to citation for violation of  
 45 this article and proceedings before the code enforcement board. Fines imposed by the  
 46 code enforcement board shall cease at any time any one or more of the following events  
 47 occur:

- 48 (1) A valid landlord permit is obtained for the subject property.
- 49 (2) The owner ceases to rent the subject property.
- 50 (3) The subject property has been relinquished by the owner by sale, foreclosure, etc.,  
 51 or other action which dispossess the owner of the property.
- 52 (4) The landlord permit year for which the owner is in arrears ends.

53 Fees and fines accruing up to the date of the occurrence of any of the events are  
54 still due and owing to the city.

55 **Section 3.** It is the intention of the City Commission that the provisions of Section 1  
56 shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida,  
57 and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in order  
58 to accomplish such intentions.

59 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be  
60 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no  
61 way affect the validity of the remaining portions of this ordinance.

62 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
63 such conflict hereby repealed.

64 **Section 6.** This ordinance shall take effect immediately upon adoption.

65  
66 PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2011.

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68 \_\_\_\_\_  
69 CRAIG LOWE  
70 MAYOR

71 ATTEST: Approved as to form and legality

72  
73 \_\_\_\_\_  
74 KURT M. LANNON MARION J. RADSON  
CLERK OF THE COMMISSION CITY ATTORNEY

75 This Ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2011.

76 This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2011.