

Town of Sewall's Point Rental of Dwelling Permit Application

Instructions: Please fill out this application completely. Incomplete applications will not be processed. If there is more than one owner of the property, the application must be completed by all owners.

Owner's Name:			Co-Owner(s) Name:		
Address:			Address:		
City:	State:	Zip Code:	City:	State:	Zip Code:
Home Phone:	Cell Phone:	E-Mail Address:	Home Phone:	Cell Phone:	E-Mail Address:
Physical address of the dwelling offered as a rental:					

Local Responsible Party Contact Information –This party is designated to receive any notices required by this ordinance. This party must be available for contact twenty-four (24) hours a day, seven (7) days a week via the phone number(s) provided.

Local Party Contact:	Address:	
Home Phone:	Cell Phone:	E-Mail Address:
Alternate Local Party Contact:	Address:	
Home Phone:	Cell Phone:	E-Mail Address:

PROOF OF CURRENT OWNERSHIP OF THE DWELLING MUST BE ATTACHED TO THIS APPLICATION

I (We), _____, the _____ owner(s) of the _____ the _____ rental property, located _____ at _____ are responsible for ensuring the rental is maintained in compliance with all Town codes and that all occupants shall adhere to Town codes. I further understand that failure to maintain the rental property in compliance with the Town Codes may result in an enforcement action against me (us), the owner(s) before the Special Magistrate or Code Enforcement Board or by any other means available to the Town, including but not limited to a fine, and a lien upon the rental property or any other real property belonging to the owners located within the Town. I (We) understand that the single-family dwelling shall be rented only to one family as defined by the Town Code. Each lease or other rental agreement entered into for the permitted rental dwelling shall include language in the lease, on an addendum, or on another document signed by the parties to the lease agreement in substantially the same format as follows:

1. *“The rental of this dwelling is being made only to one family, defined by the Code of Ordinances of the Town of Sewall’s Point, Sec. 14-163 as: one (1) or more natural persons related by blood, adoption, marriage, or guardianship, living and cooking together as a single housekeeping unit, exclusive of household servants, but not exceeding two (2) adult natural persons living and cooking together as a single housekeeping unit though not related by blood, adoption, marriage, or guardianship. A ‘person’ as defined in the context of a family includes any natural adult person as well as his or her spouse, children, foster children placed in a lawful foster family home, as well as any dependents of an adult occupant who are related to that occupant by blood, marriage, adoption or guardianship. Temporary gratuitous guests shall also be included in the definition of a family.”*

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2. *"This lease is subject to the existence of a valid rental permit for the premises, and is agreed by the parties to be a condition of continued occupancy of the dwelling by the tenant. If the rental permit issued by the Town for this dwelling is denied, suspended or revoked, tenant hereby agrees to vacate the dwelling within thirty (30) days of being given notice that said permit has been denied, suspended or revoked, unless or until the rental permit for the dwelling is reinstated by the Town of Sewall's Point."*

This permit is not transferable. No permit issued under this ordinance shall be transferred or assigned to any person, nor may it be used by anyone other the person to whom it was issued, for any location other than the rental dwelling for which it was issued, or in any manner inconsistent with the provisions of this article. I (We) understand that it is unlawful for any person to knowingly give false or misleading information on an application for a permit required by this article. Discovery of false information shall be grounds for denial, suspension or revocation of the permit in addition to other penalties provided by law.

Town ordinance also specifies the following related to the rental of single-family dwellings;

Occupancy Limits

1. Unlawful leases. No owner, local responsible party, agent, landlord, management company, management or leasing agent, or any other person acting on behalf of an owner of a single-family dwelling shall enter into any agreement, contract, lease or sublease which provides for, permits, allows, contemplates or facilitates the occupancy of any single-family dwelling by any arrangement other than one family as defined in this ordinance. Any agreement, contract, lease or sublease which provides for, permits, allows, contemplates or facilitates such occupancy by any arrangement other than one family is unlawful and is hereby declared to be contrary to public policy and a violation of this article.
2. The occupancy of a dwelling unit by more occupants than permitted as provided for herein shall, in and of itself, be deemed to present a serious threat to the public health, safety and general welfare.
3. It shall be unlawful for any person as a lessor, tenant, lessee, occupant, landlord, sub-lessee, local responsible party or owner to violate, cause, or allow a violation of any of the provisions of this section.
4. It shall be unlawful to lease, rent, or otherwise convey possession of any dwelling, structure, or part thereof, to any person prohibited from establishing such permanent or temporary residence as set forth in Sec. 34-5 of this Code, entitled "Sexual Offender Residency Restrictions" or as set forth under State law.
5. An owner's failure to comply with the requirements of this section, either personally or by and through any local responsible party, agent, servant or employee, shall constitute a violation of this section, and may subject the owner, his or her local responsible party, agent, servant, employee, and/or any other person or entity with responsibility for the care, custody or control of the subject rental property to a revocation or denial of the permit, and to enforcement proceedings as authorized under Chapter 18 of this Code of Ordinances and Florida Statutes Chapter 162, or by any other remedy authorized by law.

Local responsible party required.

1. Whenever any residential property is required to have a rental permit under this ordinance, the owner shall designate an adult natural person to serve as the local responsible party for contact by Town officials relating to the property. The local responsible party may apply for a rental permit on behalf of the owner.
2. A rental property owner may designate himself or herself as the local responsible party under this section, provided that any owner who does so must physically reside within Martin County, Florida. Any owner who physically resides outside of Martin County, either at the time of procuring a permit or after having procured a permit, shall designate as a local responsible party an agent who physically resides within Martin County.
3. Any notice given to the designated local responsible party shall be sufficient to satisfy any requirement of notice to the owner.
4. An owner shall notify the Town Manager or designee in writing of any change in the designation of the local responsible party within ten (10) business days of such change.
5. Failure to designate, appoint or engage a local responsible party meeting the requirements of this section shall subject the owner to enforcement proceedings as authorized under Chapter 18 of this Code of Ordinances, denial or revocation of the rental permit.

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6. When acting as the agent for the owner, it is the duty of the local responsible party to:
 - a. Inform all tenants and adult renters prior to their occupancy of the dwelling unit of applicable Town ordinances concerning limitations on noise, contractors, vehicle parking and other applicable Town ordinances;
 - b. Ensure that all dwellings under their control are in compliance with the occupancy limits as specified in the Town Code;
 - c. Ensure compliance with the provisions of this article, and ensure that any violations of this article or other Town Code shall be promptly remedied; and
 - d. Be available with full authority to appropriately respond to any issue that may arise in connection with the dwelling twenty-four (24) hours a day, seven (7) days a week.

Both the owner and the local responsible party shall have a continuing obligation to maintain accurate information about the rental dwelling with the Town, and shall provide the above information and any updates or corrections to said information to the Town during the term of the permit as that new information becomes known or available.

Occupant lists in rental dwellings.

The owner or local property shall within ten (10) days of the effective date of any lease agreement provide to the Town a complete Notice of Tenant form and a copy of the lease agreement. Additionally, the owner and the local responsible party shall maintain and produce upon request a list of all authorized persons permitted to occupy the dwelling unit as their living quarters. Such list shall be made available and provided to the Town Manager or designee immediately upon request for the purposes of any inspection or investigation conducted under the provisions of this article.

Owner-occupied dwellings with rooms for rent; prohibition of short-term rentals.

A residential rental permit is required by any owner who occupies a single-family dwelling and who also rents space in that dwelling to any unrelated, natural person(s) for the purpose of occupying the whole or part of a dwelling as a separate housekeeping unit; provided that no owner, either directly or through a local responsible party, agent, employee or any other person, may enter into a short-term rental, or permit a short-term tenant to occupy any portion of a single-family dwelling within the Town.

Submission of information required upon rental of dwelling.

Within ten (10) days from the effective date of any lease agreement involving any rental dwelling within the Town, the owner or the local responsible party shall provide the following documents to the Town Clerk

1. Notice of Tenant form (containing the following information)
 - A. The names of all tenants who are parties to the lease agreement;
 - B. The names of all authorized occupants of the rental premises over the age of 18;
 - C. The length or term of the lease agreement;
 - D. Telephone number(s) and email address(es) at which the leasee(s) may be contacted.
2. Copy of Lease Agreement

Complaints and Inspections.

Complaints about alleged violations of this article may be made to the designated code enforcement official. The complaint shall be documented and filed with the Town Manager or designee. Complainants may be requested to provide either a written or an oral statement of the facts giving rise to their belief that the provisions of this article are being violated.

1. If there are reasonable grounds to believe that a violation of this article exists or has occurred, the Town Manager or designee is hereby authorized to make inspections of the subject premises at a reasonable time with seventy-two (72) hours' notice to determine if there is a violation.
2. The notice of inspection under this section shall be sent certified mail, return receipt requested and regular U.S. mail to the name and address designated in the application for the rental permit for the premises for

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receipt of said notices; or, if no permit has yet been applied for, to the owners as shown on the current tax rolls. If the dwelling is occupied, a copy of the notice shall also be hand-delivered to an adult occupant of the dwelling or posted on the front door of the dwelling.

3. It shall be a violation of this article for any person to destroy, move, remove, deface or obscure any notice posted to the door of a dwelling by Town officials pursuant to the requirements of this chapter for the purpose of interfering with the proper notification to the owner, local responsible party, tenant or occupants; to interfere or cause the owner, local responsible party, tenant or occupants to fail to act or properly respond to the notice; or, to interfere with the posting of any required notice done in accordance with this section.
4. Any inspection scheduled to take place between 9:00am and 5:00pm, Monday through Saturday, shall be presumed to be scheduled at a "reasonable time".
5. Upon refusal by any person to allow proper entry upon the property and into the dwelling for the purposes of an inspection, the Town may apply for a warrant or order from a court of competent jurisdiction for authorization to enter the dwelling to conduct said inspection.

Denial, suspension and revocation of permits.

Any permit issued pursuant to this article may be denied, revoked, or suspended by the Town for any violation of this article, other Town Ordinance, or state or federal law by the property owner, his or her agent, or the local responsible party for the rental. Such denial, revocation or suspension is in addition to any other penalty provided for herein. The Town Manager or designee may deny issuance of, suspend, or revoke, any permit(s) applied for under this article if it is determined, after a hearing authorized under chapter 18 of this Code, either that the owner, his or her agent, or local responsible party has made any material misrepresentations to any Town official about the condition of the rental property, or that the occupancy of the property is, or at any time subsequent to the issuance of the permit becomes, in excess of the permitted occupancy of a single-family dwelling as defined in the Town Code, or that the owner, his or her agent, or local responsible party has otherwise violated any other provisions of this Ordinance.

If the Town Manager or designee determines there are reasonable grounds, as set forth in subsection (a) above, to revoke, suspend or deny a permit which has been applied for or held, a written notice of that decision shall be delivered by hand-delivery or sent by certified mail, return receipt requested, and regular U.S. mail to the local responsible party. If the dwelling is occupied, a copy of the notice shall also be hand-delivered to one adult occupant, or posted on the front door of the dwelling. Such written notice shall state the grounds for revocation, suspension or denial. For revocation or suspension of a permit previously issued, such written notice shall also state that the revocation or suspension will become effective thirty (30) days from the date of the notice unless, within that thirty (30) days' time, the alleged grounds for revocation or suspension are remedied in compliance with this Code as determined by the Town Manager or designee.

Anyone authorized by law to serve process, any code enforcement official, or any duly appointed law enforcement officer, may serve by hand-delivery or post any notice required by this article.

The Town Manager or designee may stay any code enforcement proceedings on revocation, suspension or denial of a permit if it is determined that the owner or the local responsible party has either complied or attempted in good faith to comply with the code alleged to have been violated. The Town Manager or designee may condition a stay on the owner's payment of, or obtaining a bond for, any costs expected to be incurred by the Town. In determining whether there has been good faith as required for such a waiver, the Town Manager or designee, may in his discretion, consider factors that include, but are not limited to, the owner or local responsible party's efforts to remedy the alleged violation, the owner's past history of violations, and the past history of code violations at the subject property.

If a rental permit is revoked or denied under this section due to a violation under this article by the owner, his or her agent, or local responsible party, the owner whose permit was revoked or denied shall not be issued another rental permit for any dwelling within the Town for a period of six (6) months after the date of revocation or denial. The revocation, denial or suspension of any rental permit under this article may subject the owner to an assessment of costs associated with the investigation of any confirmed violation, inspection, or hearing, as well as any additional costs or penalties associated with the revocation, denial or suspension of the permit.

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Failure to timely respond to a duly served notice of violation, or failure to attend any properly scheduled proceedings as provided for herein, may subject the owner to immediate revocation of the rental permit for that dwelling, as well as any associated costs or penalties incurred therewith.

The lack of any acquiescence, participation, or knowledge of a violation on the part of the owner, his or her agent, or the local responsible party shall not be a defense to the alleged violation. However, proof that the owner or local responsible party has commenced, pursued or completed the process for terminating the lease of the subject property to recover possession of the dwelling under state law, or is otherwise diligently pursuing completion of that process, or is pursuing compliance by the tenants or occupants of the dwelling, may be grounds for deferring further action on enforcement proceedings. If legal action to evict occupants or to terminate the lease is commenced, the owner, his or her agent, or the local responsible party shall diligently pursue the process to completion. If any legal action is commenced by the landlord to evict a dwelling's tenants or occupants, all pending Town proceedings or actions pertaining to the dwelling's rental permit may be abated, provided that the legal action is being diligently pursued. The owner or the local responsible party shall provide to the Town Manager copies of all documents sent to or served on the occupants or tenants informing them of such legal action, and any documents or pleadings filed with the court concerning the eviction or lease termination proceedings.

If after notice to the proper parties and subsequent investigation a Special Magistrate or the Code Enforcement Board finds by a preponderance of the evidence that no violation has occurred, the Special Magistrate or Code Enforcement Board shall dismiss the enforcement action without prejudice to the Town to re-file should officials have additional or new evidence giving reasonable cause to believe that a violation of this article has occurred.

There shall be no liability on the part of the Town of Sewall's Point for damages of any kind sustained by any person, including but not limited to any owner, occupant or tenant of a rental dwelling, incurred as a direct or indirect consequence of the revocation, suspension, or denial of any rental permit pursuant to this article.

Printed Name of Owner

Signature of Owner

Date

Printed Name of Co-Owner

Signature of Co-owner

Date

Town of Sewall's Point Notice of Tenant

Instructions: Please fill out this Notice completely. Incomplete forms will not be processed. Copy of lease must be attached.

Owner's Name:	Co-Owner(s) Name:
Address of Rental Property:	

The name of the tenant and all occupants of the subject property including the relationship among the occupants who will reside in the dwelling, over the age of 18.

Occupants(s) Name(s):	Age	Gender	Relationship to Tenant

Contact information for the tenants/occupants

Name:	Home Phone:	Cell Phone:	E-mail Address:
Name:	Home Phone:	Cell Phone:	E-mail Address:
Name:	Home Phone:	Cell Phone:	E-mail Address:
Name:	Home Phone:	Cell Phone:	E-mail Address:

The term of the lease, including the beginning date and the ending date for the rental agreement.

Term (Length) of Lease	Beginning Date	Ending Date

Printed Name of Owner/Local Contact

Signature of Owner/Local Contact

Date

Town of Sewall's Point Designation of Local Contact

Instructions: Please fill out this Notice completely. Incomplete forms will not be processed.

Owner's Name:	Co-Owner(s) Name:
Address of Rental Property:	

Local Responsible Party Contact Information –This party is designated to receive any notices required by this ordinance. This party must be available for contact twenty-four (24) hours a day, seven (7) days a week via the phone number(s) provided.

Local Party Contact:	Address:	
Home Phone:	Cell Phone:	E-Mail Address:
Alternate Local Party Contact:	Address:	
Home Phone:	Cell Phone:	E-Mail Address:

Printed Name of Owner

Signature of Owner

Date