

ORDINANCE NO. 2021-1
“SHORT-TERM RENTALS”

AN ORDINANCE OF THE BOARD OF FIRE COMMISSIONERS FOR THE FORT MYERS BEACH FIRE CONTROL DISTRICT, LEE COUNTY, FLORIDA, AMENDING ORDINANCE 2016-01, FOR THE PURPOSE OF PROTECTING THE LIFE AND PROPERTY OF THOSE PARTIES THAT OCCUPY, OWN, AND RESIDE IN TRANSIENT, VACATION, SHORT-TERM, TIMESHARE RENTALS; ALONG WITH, NON-OWNER OCCUPIED TWO-FAMILY HOMES, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Fort Myers Beach Fire Control District, hereinafter referred to as the “District”, finds it necessary to require annual registrations, and shall complete regular inspections as defined by the Authority Having Jurisdiction (AHJ) for Transient, Vacation, Short-Term, and Timeshare rentals; along with, Non-Owner occupied Two-Family Homes for the purpose of saving lives and preserving property.

WHEREAS, this Ordinance shall be in compliance with Florida Statute 633, Florida Administrative Code 69A-43, Florida Statute 509.215, Florida Statute 553.79(13), and the most current edition of the Florida Fire Prevention Code.

WHEREAS, the District has the authority to enact ordinances related to the prevention of fires and preservation of property (CH 2000-422).

NOW THEREFORE, be it ordained by the Board of Fire Commissioners for the Fort Myers Beach Fire Control District that:

SECTION ONE: PURPOSE OF THIS ORDINANCE

It is the intention of the District that all Transient, Vacation, Short-Term, Timeshare rentals, and Non-Owner occupied Two-Family Homes register with the District annually to ensure required fire inspections are conducted.

SECTION TWO: REGISTRATION

Within one hundred and twenty (120) days from the effective date of this ordinance, all Transient, Vacation, Short-Term, Timeshare Rentals, and Non-Owner occupied Two-Family Homes shall be registered with the District and provide the following:

- A. Full legal name and contact information for the property owner(s) (this shall include a local responsible representative if owner(s) are not local, telephone number(s), mailing address, and electronic mail (E-Mail)) contact.
- B. Property owner and/or local representative will be available via phone, e-mail, or in person within seventy-two (72) hours of a District request.
- C. It shall be unlawful for any owner, agent, or realtor to rent any property as defined herein that is not registered, or has not had the required fire inspection with the District.
- D. Updates to registration information are required every year during the month of November.

Properties that do not submit a current registration, by the end of the calendar year, December 31st, will be required to pay a new registration fee as defined in the District's current Schedule of Fees.

- E. When a property is sold, the registration shall automatically expire. If the new owner will use the property as a rental as defined in this ordinance, registration and the required fire inspection shall be completed prior to renting.

SECTION THREE: DEFINITIONS

Verbiage contained herein shall have the following meanings:

- A. ***Transient Public Lodging Establishment***: Any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.(509.013 (4)(a)1)
- B. ***Vacation Rental***: A vacation rental is any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two (2) family, three (3) family, or four (4) family house or dwelling unit that is also a transient public lodging establishment but that is not a timeshare project.(509.242 1(c))
- C. ***Timeshare Rentals***: Single-family or Two (2) family homes that are licensed per *FS Chapter 721*, which are advertised as Transient Rental.

SECTION FOUR: POSTING AND INSPECTION REQUIREMENTS

Properties, as defined, shall comply with the following posting and inspection requirements:

- A. District issued Life Safety Division decals shall be displayed on an exterior window of the rental unit, on the address side of the structure.
- B. Occupant load signage
- C. Properties shall be made available for fire inspection, upon receiving a thirty (30) day notice from the District
- D. Multiple inspections within a twelve (12) month period shall only be conducted at the District's discretion considering:
 - 1. Property ownership changes
 - 2. Permitted work or alterations
 - 3. Investigation of fire or life safety issue
 - 4. Reports of, or suspected noncompliance
- E. Fire code violations that are deemed imminent hazards shall be abated within seventy-two (72) hours.
- F. All other violations shall be abated within forty-five (45) days; this abatement period may be extended at the request of the owner if a mitigation plan is submitted and accepted by the District.

SECTION FIVE: FEES

Fees shall include but are not limited to the following:

- A. A Registration Fee identified in the most current version of the District's Schedule of Fees. There shall be no fee for the required annual update each November, unless the property fails to provide the required update by December 31st. Properties failing to provide the update shall be subject to the original registration fee, plus a late fee identified in the most

current version of the District's Schedule of Fees.

- B. Inspection and re-inspection fees as defined by in the most current version of the District's Schedule of Fees.

SECTION SIX: PENALTY FOR NON-COMPLIANCE

Parties found to be in violation of this ordinance shall face penalties as outlined in the most current version of the District's Schedule of Fees.

SECTION SEVEN: EXCLUSIONS

The following properties shall be excluded from this ordinance.

- A. Homes, not advertised to the public as a Transient, Vacation, Short-Term, or Timeshare rental.
- B. Two (2) Family Homes where the owner occupies one (1) unit for a minimum of six (6) months per year.
- C. Those properties that do not meet the definition of a Vacation rental or Non-owner occupied Two (2) Family Home, receive routine fire inspections in compliance with the Florida Fire Prevention Code (*i.e. Hotels/Motels, Condominiums, Apartment Complexes (3 units or more)*)
- D. Single-Family Homes that are owner-occupied.

SECTION EIGHT: SEVERABILITY

If any portion of this ordinance is declared invalid, by a court of competent jurisdiction, the remaining sections shall remain enforceable and in effect.

SECTION NINE: EFFECTIVE DATE

The effective date of this Ordinance shall be April 1, 2021.

{Signature on file with the District}
Board of Fire Commissioners Chair Larry Wood

November 18, 2020
First Reading Date

January 13, 2021
Second Reading Date

November 6, 2020 and December 3, 2020
Date Published