

ORDINANCE NO: 2016-

A FIRE SAFETY ORDINANCE OF THE BOARD OF FIRE COMMISSIONERS FOR THE FORT MYERS BEACH FIRE CONTROL DISTRICT, LEE COUNTY, FLORIDA, FOR THE PURPOSES 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, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Fort Myers Beach Fire Control District referred to as the “District” finds it necessary that Transient, Vacation, Short-Term, and Timeshare rentals; along with, Non-owner occupied Two Family Homes register with, and receive periodic Fire Inspections from the District, for the purpose of saving lives and preserving property.

WHEREAS, this Ordinance is in compliance with the Florida Fire Prevention and Control Act Florida Statute Chapter 633, Florida Administrative Code 69A, Florida Statute 509.215, Florida Statute 553.75(13), and 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 FIRE SAFETY 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, to ensure periodic Fire Inspections.

SECTION TWO: REGISTRATION

Within (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:

- Full legal name and contact information for the Property Owner/Local Responsible Party to include, Telephone Number, Mailing Address, E-Mail contact.
- Property Owner/Responsible Party will be reasonably available via phone, e-mail, or in person within (72) hours of a District request.
- It shall be unlawful for any owner, agent, or realtor to rent any occupancy as defined herein that is not registered with the Fire District

SECTION THREE: DEFINITIONS

Verbiage contained herein shall have the following meanings:

- **Transient Rentals:** Single family or Two-family homes which are rented to guests more than *(3) times a calendar year for less than (30) days or (1) calendar month.*
- **Vacation Rentals:** Single family or Two-family homes that meet the definition of a Transient Rental advertised as a Vacation Resort, Rental, or Home.
- **Timeshare Rentals:** Single-family or Two-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:

- Occupant Load Signage
- Properties shall be made available for Fire Inspection, upon (30) day notice from the District
- Fire Code Violations that are imminent hazards shall be abated within (72) hours.
- All other violations shall be abated within (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 not limited to the following:

- Registration Fee of (\$25.00)
- Inspection and re-inspection fees as defined by the District’s Schedule of Fees

SECTION SIX: SCHEDULE A: PENALTY FOR NON-COMPLIANCE

Parties in violation of this Ordinance shall face penalties as outlined in this section.

FIRST OFFENSE: WRITTEN WARNING TO ADDRESS ON RECORD VIA
CERTIFIED MAIL

SECOND OFFENSE: \$250.00 FINE IMPOSED UPON PROPERTY OWNER
WITH A LETTER OF NON-COMPLIANCE

THIRD OFFENSE: \$500.00 FINE IMPOSED UPON PROPERTY OWNER

FOURTH OFFENSE: NOTIFICATION TO THE DIVISION OF BUSINESS AND
PROFESSIONAL REGULATION

SECTION SIX: EXCLUSIONS

The Following properties are excluded from this Ordinance

- All Homes, not advertised to the public as a Transient, Vacation, Short-Term, or Timeshare rental.
- Two Family Homes where the Owner occupies one unit for a minimum of (6) Months per year.
- Those properties that receive routine fire inspection in compliance with the Florida Fire Prevention Code i.e. *Hotels/Motels, Condominiums, Apartment Complexes (3 units or more)*.
- Single Family Homes that are Owner occupied.

SECTION SEVEN: SEVERABILITY

If any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

SECTION EIGHT: EFFECTIVE DATE

The effective date of this Ordinance shall be March 1, 2016.

Carol Morris

Carol Morris-Chair

December 15, 2015
Date First Reading

January 10, 2016
Published

February 2, 2016
Second Reading/Public Hearing Date