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CITY OF MARCO ISLAND

ORDINANCE NO. 15-

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA CREATING A NEW ARTICLE IN CHAPTER 8, BUSINESSES, IN THE CODE OF ORDINANCES, CITY OF MARCO ISLAND, FLORIDA, CONCERNING THE REGISTRATION AND OPERATION OF SHORT-TERM RENTALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Marco Island finds that there are many residential rental properties within the City are not being properly maintained or managed, creating a potential nuisance for neighboring properties; and

WHEREAS, the Council desires to ensure that residential properties available as short-term rentals are properly maintained and operated; and

WHEREAS, the Council finds that inadequately maintained and operated properties directly affect the surrounding neighborhoods and the City as a whole, and that the regular collection and maintenance of accurate information about rental properties will aid in ensuring compliance with this Ordinance and the Code in general; and

WHEREAS, the Council, therefore, desires to establish a registration program to educate rental property owners, their managers and tenants, on compliance with various statutory and Code requirements relating to the short-term rental of residential property; and

WHEREAS, intent of this Ordinance is to collect current and accurate information regarding rental properties and to encourage the appropriate management of those properties in order to protect the general health, safety and welfare of the residents of and visitors to the City of Marco Island.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:

SECTION 1. Recitals

The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true, correct and reflective of the legislative intent underlying this Ordinance.

SECTION 2. Amendment and Adoption

The amendments to the Code contained in this Ordinance are hereby amended or created and adopted as follows:

Article V Short-Term Rentals

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Sec. X.1. Applicability

1. The provisions of this Article shall apply to any residential dwelling, dwelling unit or group of units, as defined in Section 30-10 of the Code, including those units in a condominium or timeshare located in the City that is, at any time, rented or leased to members of the public for a period less than one (1) year. The Article does not apply to motels or hotels as defined in Section 30-10 of the Code.
2. All owners of properties subject to the provisions of this Article shall, prior to offering their property for rent or lease to the public, register each dwelling unit with the City.
3. The owner of all applicable properties are at all times be ultimately responsible for compliance with the terms of this Article, failure of any tenants, their guests, or agents of the owner to comply will be deemed noncompliance by the owner.
4. Existing Properties.

Sec. X.2 Registration, Inspections and Fees

1. Rental Property Registration.
 - (a) Registration is required for every dwelling unit subject to this Article. If a property contains more than one (1) dwelling unit, a separate registration shall be required for each applicable unit.
 - (b) Condominium and home owner associations acting in accordance with Chapter 718 and 720, Florida Statutes, respectively, may obtain a blanket registration for the entire property, encompassing all affected dwelling units, provided such registration is supported by a majority of the total ownership and as evidenced by an official action of the association. However, in the event the association has been found in violation three (3) times by the City’s Special Magistrate within the past year the blanket registration shall be revoked and each affected dwelling unit will be required to obtain an individual registration.
 - (c) As a prerequisite to the issuance of a registration pursuant to this Article, each unit owner must show evidence of having obtained the requisite license or a qualifying exemption from the Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulation.
2. Inspections. The occupancy of an individual dwelling unit shall be inspected annually to ensure compliance with the Florida Building Code and the Florida Fire Prevention Code.
3. Term and Renewal. Registrations are valid for term of one (1) year after issuance. Renewals that are not approved within 30 days of the expiration of the preceding term may be treated similar to new registrations and subject to additional inspections and fees.
4. Fees. Each dwelling unit subject to this Article shall pay the applicable building and fire inspection fee assessed at the time of registration and paid upon completion of inspections in accordance with Chapter 6 and Chapter 22 of the Code or as otherwise established by resolution of the Council.
5. Agency. Any owner who engages the services of an agent, property manager, or other local representative for the purposes of compliance with this Article shall indicate so in their registration.
6. Modification and Transferability. The occurrence of any of the following shall require the filing of an updated registration within 30 days thereafter: (1) any alteration, remodel, or other modification to any building or structure subject to this Article requiring the issuance

97 of a building permit, (2) any change in the ownership of the dwelling unit, or (3) any other
98 material change in the registration application, including the designation of a new local
99 agent or designated contact person. Any such updates, which require re-inspection, may be
100 subject to additional fees.

- 101 7. Non-Exclusive. The registration and fees required by this Article shall be in addition to any
102 other certificate, permit or fee required under any other provision of the Code. Registration
103 pursuant to this Article shall not relieve the owner of the obligation to comply with all other
104 provisions of the Code pertaining to the use and occupancy of the dwelling unit or the
105 property on which it is located.

106 **Sec. X-3 General Provisions**

107 All owners of dwelling units registered as provided herein shall comply with the following:
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- 109 1. Designated Contact. Each registration shall designate a person or entity to serve as the
110 contact for the purpose of addressing the concerns of the tenants or responding to complaints
111 regarding the conduct of the occupants of the unit. The designated contact shall be available
112 twenty-four (24) hours per day, seven (7) days per week, and respond to concerns regarding
113 potential violations of this Article within one (1) hour. The designated contact shall
114 document the issue, the response, and forward that documentation to the City immediately
115 thereafter.
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- 117 2. Occupancy Limits:
- 118 (a) In no case shall the maximum total occupancy for any dwelling unit exceed the limits
119 permitted by the Florida Fire Prevention Code or Florida Building Code.
120 (b) The maximum overnight tenant occupancy load of any unit shall not exceed two (2)
121 persons for each bedroom, as bedroom is defined under the Florida Building Code, in the
122 rental unit, plus two (2) persons.
123 (c) Before the hours of 7 AM or after 10 PM, the occupancy load of the unit may not exceed
124 the maximum allowed number of overnight tenants.
125
- 126 3. Recordkeeping. The owner of each unit shall maintain a registry of all tenant(s) and their
127 vehicles (make, mode, year, and tag number). The information shall be available to the City
128 upon request.
- 129 4. Vehicles and Parking. Tenants or guests of any registered unit shall not:
- 130 a. Engage in any prohibited parking activities as provided in Sections 50-37 or 30-1007
131 of the Code.
132 b. Park any boat or boat trailer on a residential district unless fully enclosed in a
133 structure so that it cannot be seen from any abutting property, public way, or
134 waterway.
135 c. Utilize recreation vehicles for sleeping or overnight accommodations at any property
136 regulated by the Article.
- 137 5. Waterways and Vessels. Vessels may be moored, berthed, or otherwise stored on an
138 approved docking facility, however no vessels may be docked or stored in a manner that
139 constitutes a hazard to navigation.
- 140 6. Refuse. As provided by Section 18-36 of the Code, trash and recycling may not be left out
141 by the curb for pick-up until 6 PM on the evening before the scheduled pick-up day with all
142 refuse containers removed thereafter by 7 PM that evening.
- 143 7. Noise. Tenants and their guests must comply with the requirements of Chapter 18, Article
144 IV, Noise Control, and not unnecessarily make, continue or cause to be made or continued,

145 any noise disturbance as defined therein before 7 AM or after 10 PM Sunday thru Thursday
146 or 11 PM on Friday, Saturday, or the day before a Federal Holiday.

- 147 8. Fireworks. The use of fireworks is not permitted.
- 148 9. Advertisement. It shall be unlawful to offer or advertise any dwelling unit for rent or lease in
149 the City without that unit first being registered as provided in this Article. Where advertised
150 the registration number provided by the City must appear on all forms of advertisement and
151 on the landing or “home” page for the unit when advertised over the internet.
- 152 10. Compliance with Other Regulatory Authorities. Subject properties must meet all applicable
153 requirements of state law. To the extent provided by general law, violation of any state law
154 relating to the subject matters contained in the Article shall also constitute a violation of this
155 subsection.
- 156 11. Evacuation. All rental properties shall be evacuated as required upon the posting of a
157 nonresident evacuation order issued by the City, County or State.

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159 **Sec. X-4 Required Postings and Notice**

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161 1. Each registered dwelling unit shall have a clearly visible and legible notice posted within the
162 unit, containing the following information:
- 163 a. The designated contact for the unit and a telephone number where they may be
164 reached on a 24-hour basis.
 - 165 b. The occupancy limits, total and overnight, for the unit.
 - 166 c. The maximum number of vehicles allowed to be parked on the property and the
167 location of on-site parking spaces.
 - 168 d. The trash and recycling pick-up day(s).
- 169 2. Each registered dwelling unit shall also have posted in a conspicuous location on the
170 exterior of the unit the name of the designated contact for the unit and a telephone number
171 where they may be reached on a 24-hour basis
- 172 3. All tenants must be provided a Code of Conduct summary of the remaining general
173 provisions of this Article including the penalties for violation as well as a copy of the current
174 City registration.

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176 **Section X-5 Enforcement**

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178 Any violation of the provisions of this Article shall be punishable as provided in Chapter 14
179 of the Code including but not limited to by a fine of up to \$500 per violation, per day for
180 continuing violations, by civil citation up to \$500 per offence, by the seeking injunctive
181 relief through the courts, or any combination thereof.

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183 **SECTION 3. Codification**

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185 It is the intention of the City Council and it is hereby ordained that the amendments to the
186 City of Marco Island Code of Ordinances made by this Ordinance shall constitute a new Article V
187 to Chapter 8 of the City of Marco Island Code of Ordinances, and that the sections of this Ordinance
188 may be renumbered and re-lettered as necessary, and that the word “Ordinance” may be changed to
189 “Section, “Article” or other appropriate word.

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191 **SECTION 4. Conflicts**

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193 All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict
194 with the provisions of this Ordinance are hereby superseded and resolved to the extent of any
195 conflict in favor of the provisions of this Ordinance.

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197 **SECTION 5. Severability**

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199 If any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or
200 unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the
201 remaining portions of this Ordinance.

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203 **SECTION 6. Effective Date**

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205 This Ordinance shall be effective immediately upon adoption by the City Council.

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208 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this day of

209
210
211 **CITY OF MARCO ISLAND FLORIDA**

212 By: _____
213 Larry Sacher, Chairman

214 Attest:

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216 By: _____
217 Laura M. Litzan, City Clerk

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220 Reviewed for legal sufficiency:

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222 By: _____
223 Burt L. Saunders, City Attorney

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