



CITY OF MARCO ISLAND FIRE RESCUE DEPARTMENT

To: Stephen Olmsted, Community Development Director
From: Michael D. Murphy, Fire Rescue Chief
Date: Feb. 15, 2008
Re: Resort Single Family Dwelling Information

Problem Statement

It appears obvious that the majority of realtors and rental agents on the island monitor and watch their property and are concerned about adjacent properties rights. Problems with noise and parking at certain single family homes used as rental property has resulted in complaints and staff doing research as to how these houses are licensed. It is important that staff looks at a means to ensure that the minorities do not become the majority and residents are protected in particular from nuisance/noise complaints.

History

The Division of Business and Professional Regulation and the Division of Hotels and Restaurants has by State law control over **Single Family Resort Dwellings**. An individual wishing to rent their property under those criteria applies to the State Division of Business and Professional Regulation. Part of the Division of Business and Professional Regulation agencies' requirements is that single family homes meet the requirements of Florida Statute 509 that contain certain fire code and safety requirements in order to be licensed. It should be noted however they do not do any inspections nor do they require an inspection for the issuance of a license for a Single Family Dwelling Resort property. The only time that DBPR contacts the local fire department is when a complaint is issued.

On February 6th after discussion with Community Development, the State Fire Marshals' office and the Division of Business and Professional Regulation representatives we were informed that the authority having jurisdiction (Marco Island Fire-Rescue) is responsible to enforce the fire code for these Single Family Resort Dwellings.

There are a number of items associated Fire Rescue that need to be discussed to understand the issue.

Issues

- The Fire Rescue Department cannot inspect businesses that it has no knowledge of. In the case of Single family Resort Dwellings the State sends no notification of the need to inspect nor do they require the inspection before they issue a license.
- Fire Rescue agencies by state law do not review plans or inspect single family homes. The building department does all construction inspections on single family homes.
- Single family homes that operate mail and phone order businesses are also not subject to fire inspections.
- It is not known what course of action concerning these single family home rental properties could be taken to ensure right of entry. At the present time the State does not require the inspection so why would a homeowner allow an inspection.
- The state code references National Fire Protection Agencies Chapter 24 and additionally requirements under Florida Administrative Code 69A-43.018 as having to be enforced. These codes address many issues including, smoke detectors, window heights from floor, size of windows, handicap issues and exit requirements. It is possible that some single family homes do not meet these existing code requirements.

Solution

If it is the desire to have these single family homes inspected the following questions and or actions need to be taken.

- How many actual structures exist on the island? There are only 23 listed with the DBPR.
- Based upon the actual number of units within the City the current two Fire Prevention individuals may not be adequate to do inspections.
- The City would need to create an Occupational License or License for these specific residences as is done in Collier County. Their requirement is attached and includes inspection and a \$200 fee per unit.
- The existing City codes must be changed to consider some of the following:
 - Registration of property.
 - Right of entry by Community Development, Fire Inspectors.
 - Limitations on numbers of individuals allowed in unit.
 - Zoning restrictions.

- Denial or removal of license upon a certain number of complaints or a life safety issue not just fines through code enforcement.
- A fee needs to be determined to adequately cover additional needs.
- Registration of these individual properties.
- An educational seminar of State, City and County requirements needs to be put together for all realtors on the island. A partnership between the realtor organizations and the City should develop informational brochures.
- Implement the recommended code change to the Fire prevention code.
- City can decide to take no action and leave responsibility with the State.

Fire Prevention Code Change:

Sec. 22-34. Permit fee schedule.

All buildings, structures and projects being built new, or being altered, and/or added to requiring a permit shall be subject to a fee for each of the following categories applicable to the work being done. The fee rate schedule will be evaluated annually to make adjustments to keep the income generated in line with expenses. This will be done at the time the city's normal budget process is being considered. The city council may change, delete or add to the listed fees by resolution.

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- (5) *New occupancy and/or change of occupancy fee.*
 - a. A fee of \$75.00 will be assessed for a notice of fire compliance certificate inspection for all new and/or change of ownership of commercial occupancies.
 - b. Exception: New or renovated construction, in which a building permit has been issued for the business, a final fire inspection has been issued within six months of application of occupational license application a fee will not be charged.

(6) *Resort Single Family Dwelling Fire Inspection Imposed by Florida Statute 509:*
Inspection and one re-inspection: \$75.00.
Second re-inspection: \$75.00 additional. (New Area)
Third re-inspection: \$100.00 additional.
Fourth re-inspection: \$150.00 additional.
Fifth subsequent re-inspections: \$200.00 additional

(Ord. No. 99-8, addendum A, 5-3-1999; Ord. No. 03-14, 8-18-2003)

Attachments:

Attached you will find a report by Fire Code Official Ray Munyon that identifies the issues and provides the County License Process Requirements and State Fire Code requirements.