

CITY OF MARCO ISLAND

ORDINANCE NO. 22- \_\_\_\_

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING CHAPTER 30 , ARTICLE II, "ZONING," OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES BY CREATING A NEW SECTION 30-90, TO ESTABLISH A SELF-FINANCED, TRANSIENT SINGLE-FAMILY HOME (RSF) RENTAL REGISTRATION PROGRAM; WITH DEFINED TERMS; CONDITIONS REQUIRING TRANSIENT, SINGLE-FAMILY HOME RENTAL REGISTRATION AND APPLICATION REQUIREMENTS; CREATING TRANSIENT RENTAL REGISTRATION PROCESS; DEFINING THE QUALIFICATION OF AND REQUIREMENTS FOR A RESPONSIBLE PARTY; TRANSIENT RENTAL STANDARDS/RULES AND INSPECTIONS; THE PROCESS FOR RENEWAL OF REGISTRATION AND PENALTIES RESULTING IN FINES AND/OR THE SUSPENSION OF THE CERTIFICATE OF RENTAL COMPLIANCE; PROVIDING FOR INTERPRETATION; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS** on August 23, 2022, the voters of the City of Marco Island (the "City") voted in favor of a referendum to implement a transient rental registration program in residential single family (RSF) districts pursuant to the ordinance referenced in the referendum (the "Ordinance"). The Ordinance as presented to and approved by Marco registered voters is attached hereto as **Exhibit "A"**; and

**WHEREAS**, as provided in the Ordinance, and pursuant to the City of Marco Island Charter, once approved by the City's electors, the Ordinance shall become effective upon its passage following second and final reading by the City Council; and

**WHEREAS**, in order to ensure conformance with the City's existing Code of Ordinances and Land Development Code, there are revisions necessary to be made to the Ordinance. A copy of the Ordinance with the necessary revisions is attached hereto as **Exhibit "B"** to this Ordinance; and

**WHEREAS**, the transient rental registration program provisions, as codified in Section 2 of this Ordinance are hereby adopted by the City of Marco Island City Council pursuant to the City Council's legal obligation following the August 23, 2022 referendum; and

**WHEREAS**, the City of Marco Island's Land Development Code needs to be updated and revised to "Create a Rental Registration Program for RSF Zoned properties; and

**WHEREAS**, the City Council of the City of Marco Island, Florida, finds the enclosed ordinance is consistent with the latest version of the Marco Island Comprehensive Plan; and

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42       **WHEREAS**, the City Council of the City of Marco Island has determined that the proposed  
43 revisions to the Land Development Code are in the best interests of the general health, safety, and  
44 welfare of the residents and businesses of the City of Marco Island.

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46       **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND,**  
47 **FLORIDA**, that:

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49       **SECTION 1. Recitals.** The above recitals are true and correct and are hereby incorporated into  
50 this Ordinance as if fully restated herein.

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52       **SECTION 2. Amendment and Adoption.** Chapter 30 "Land Development Code," Article II  
53 "Zoning" of the Code of Ordinances of the City of Marco Island, Florida, be, and the same are hereby  
54 amended by enacting a new Section 30-90 entitled "Rental Registration Program," to provide as  
55 follows:<sup>1</sup>

56  
57 **CHAPTER 30 – LAND DEVELOPMENT CODE**

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61 **ARTICLE II. – ZONING**

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65 **Sec. 30-90. – Rental Registration Program**

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67 **30-90.1. Definitions**

68       (a) "Certificate of Transient Rental Compliance" means the document that is issued by the  
69 City that bears the words "Transient Rental Certificate of Compliance" and evidences that the person or  
70 entity, in whose name the document is issued, has complied with the provisions of this Section relating  
71 to transient rentals.

72       (b) "Garbage" which is included in the definition of "Litter," as defined in Section 18-32 of  
73 the City of Marco Island Code of Ordinances.

74       (c) "Noise" is defined as any sounds emanating from the Transient Public Lodging  
75 Establishment that can be heard from any adjacent or non-adjacent property. This includes, but is not  
76 limited to, human sounds, animal sounds, electronically generated sounds, mechanically generated  
77 sounds, musically generated sounds, or any other sounds that would not be heard if the Transient Public  
78 Lodging Establishment were not occupied. Any other sounds not applicable in this Section shall be  
79 subject to Sections 18-104 and 18-105 of the City of Marco Island Code of Ordinances.

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<sup>1</sup> Additions to existing city code text are shown by underline; deletions from existing city code text are shown by  
strikethrough. Revisions shown in shading are changes made after first reading and considered at second reading.



(d) "Residential property" as used as a Transient Rental under this Section shall be defined as a single family home public lodging establishment. See definition of Vacation Rental/Transient Rental below.

(e) "Responsible Party" shall mean the owner, or the person designated by the owner, of the property to be called upon to answer for the maintenance of the property and the conduct and acts of transient occupants of residential properties. The Responsible Party shall be able to physically respond to the property within 1 (one) hour after notification.

(f) "Sleeping Room" shall mean a room or space within a dwelling unit, primarily designed and used or intended to be used for sleeping purposes, excluding, kitchens, bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, garages, closets and storage space. Living rooms and/or family rooms may be utilized for sleeping if, and only if, permanent sleeping furniture is provided such as a sleeper sofa.

(g) "Transient Occupants" means any person, or guest or invitee of such person, who occupies or is in actual or apparent control or possession of residential property for a period of less than 30 days, registered as required pursuant to this Section. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the Transient Rental is a Transient Occupant.

(h) "Vacation Rental/Transient Rental". Section 509.013(4)(a), Florida Statutes defines Transient Public Lodging Establishments as follows: "Public lodging establishment" includes a transient public lodging establishment as defined in subparagraph (i).

(i) "Transient public lodging establishment" means 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 times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

(ii) The definition contained in subsection (i) shall apply to any individually or collectively owned RSF zoned single-family home, irrespective of the number of bedrooms, that is rented to Transient Occupants (guests) more than three (3) times in a calendar year for periods of less than thirty (30) days, or which is advertised or held out to the public as a place regularly rented to Transient Occupants.

(i) "Tenant," "Tenants," or "Group of Tenants" are defined as transient occupant(s) or guests.

### **30-90.2. Registration Required**

(a) It is unlawful for any person to allow another person to occupy any residential property that is a single-family, RSF zoned, house or dwelling unit as a Transient Rental within the City of Marco Island, or offer such property for rent as a Transient Rental within the City of Marco Island, unless the person has registered the property as a Transient Rental property with the City of Marco Island, or Designee, and the Transient Rental property has been issued a Certificate of Transient Rental Compliance in accordance with the provisions of this Section.

(b) An application for registration as a Transient Rental is deemed pending when the application has been filed, all applicable fees have been paid to the City pursuant to Section 30-90.3, Code of Ordinances of the City of Marco Island, Florida, a Certificate of Transient Rental Compliance has



not been issued for the property and the application has not been rejected. A registration application rejected as incomplete is not pending. Notwithstanding subsection (a) above, a person may allow another person to occupy a residential property, for which a Certificate of Transient Rental Compliance has not been issued, as a Transient Rental, when an application is pending if:

- (1) The residential property has an effective and valid license as a Transient Rental classification of public lodging establishment issued by the Florida Department of Business and Professional Regulations prior to November 1, 2022; and
- (2) The residential property is not in violation of any section of the Code of Ordinances of the City of Marco Island; and
- (3) An application for registration of the residential property as a Transient Rental has been filed pursuant to Section 30-90.3 and all applicable fees have been paid; and
- (4) That said occupancy of the Transient Rental was scheduled prior to June 30, 2023 November 1, 2022, as evidenced by a written and validly executed transient occupancy agreement or contract provided to the City Manager, or his/her Designee, no later than November 15, 2022.
- (5) The residential property has no fines or liens, payable to the City of Marco Island, outstanding at the time of Application.
- (6) Transient Rental shall be registered annually on or before September 30<sup>th</sup>.

### **30-90.3. Application for Transient Rental Registration**

(a) A separate application for registration of a Transient Rental shall be made to the City Manager or his/her designee for each dwelling unit, as the term is defined in Section 30-90.1 of the City of Marco Island, Florida, Land Development Code, proposed for use as a Transient Rental and shall set forth at a minimum:

- (1) The legal description of the property offered for rental (i.e., address, lot, block and subdivision name);
- (2) Name, address, electronic mail address, and phone number of owner of said property; Name, address, electronic mail address, and emergency contact phone number of Responsible Party for said property, which shall be a twenty-four (24) hour, seven (7) days a week contact phone number.
- (3) That the phone number for the Responsible party will be answered twenty four (24) hours a day, seven (7) days a week by the Responsible Party.
- (4) Acknowledgements by owner of the following:
  - a. That all overnight vehicles associated with the Transient Rental must be parked within a driveway located on the subject property and said driveway is constructed in compliance with the Code of Ordinances of the City of Marco Island.
  - b. That it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in Section 30-90.9, Transient Rental Noise Control.
  - c. That the owner shall comply with all applicable City, County, State and Federal laws, rules, Regulations, Ordinances and Statutes.



- 168 d. That no solid waste container shall be located at the curb for pickup  
169 before 6:00 p.m. of the day prior to pick up, and solid waste  
170 container shall be removed before 7:00 p.m. 6:00 pm of the day of  
171 pickup;
- 172 e. That whoever, without being authorized, licensed, or invited,  
173 willfully enters or remains in any structure or conveyance of a  
174 property, or, having been authorized, licensed, or invited, is  
175 warned by the owner or lessee, to depart the property and refuses  
176 to do so, commits the offense of trespass in a structure or  
177 conveyance.
- 178 f. That other properties are not jointly shared commodities and  
179 should not be considered available for use by transient occupants  
180 of the property subject of the application; and
- 181 (5) Proof of owner's current ownership of the property;  
182 (6) Proof of registration with the Florida Department of Revenue for sales tax  
183 collection (for Collier County Sales Tax); and  
184 (7) Proof of licensure with the Florida Department of Business and Professional  
185 Regulation for a transient public lodging establishment.
- 186 (8) Minimum Insurance Requirements: Every short-term rental property licensed  
187 pursuant to this Section shall continuously maintain liability insurance appropriate  
188 to cover the short-term rental use, including any necessary policy endorsements,  
189 with a minimum of at least \$1 million or solely conduct each short-term rental  
190 transaction through a platform that provides equal or greater liability insurance  
191 coverage to cover the short-term rental use. Evidence of Insurance: Every  
192 applicant shall tender to the City of Marco Island, or Designee, the certificates of  
193 insurance certifying that insurance of the types and in the amounts required by  
194 this chapter are in full force and effect at all times; and
- 195 (9) Proof of compliance with Subsection 30-90.8
- 196 a. Submission of an incomplete registration application form shall  
197 result in rejection of the application.
- 198 b. An application for the modification of a Transient Rental  
199 registration is required when any of the following changes to the  
200 Transient Rental are proposed:
- 201 (1) A change in the gross square footage.  
202 (2) A change in the number of bedrooms.  
203 (3) A change in the maximum occupancy.  
204 (4) A change in the number of parking spaces, or a change in  
205 the location of parking spaces.
- 206 (10) Upon completion of the changes or alterations to the Transient Rental property or  
207 the Transient Rental operation the owner shall notify the City, or Designee, within ten (10)  
208 days of completion. A new certificate of compliance may be issued if the conditions of  
209 Section 30-90.3.a have been met and all required permits have been issued for the  
210 changes or alterations.  
211



**30-90.4. Fee and Costs for Registration**

(a) The City of Marco Island shall charge a Transient Rental Registration Administrative Fee. The Marco Island City Council, upon adoption of this Ordinance, will determine the amount of the Fee, per year, together with a consideration as to whether this fee is refundable or nonrefundable. The Marco Island City Council shall determine the funding method for the Registration Program, and adopt the fee by Resolution.

(1.) This annually-imposed Fee is subject to yearly adjustment and will be calculated as the total cost of the Program, including Administrative and Enforcement costs, divided by the number of Transient Rental Homes. This Fee will include the cost of the yearly Fire Inspection fee. Each Fiscal year, the City Manager, Director of Finance and any other Designated Personnel, will determine the new Program Cost Administration Fee that will be adjusted to reflect any shortage or overage for the new Fiscal year. It is the intention of the Program to be administered to not generate a profit or loss for the Program. The Marco Island City Council shall determine all funding aspects of the Program.

(2.) The first year Administration Fee, shall be determined by the Marco Island City Council, and shall be assessed on per Transient Rental Home basis.

(b) No Registration can be completed if a home has outstanding fees, fines or liens owed to the City of Marco Island for any reason(s). Proof of payment of any outstanding fees, fines or liens shall be submitted prior to the issuance of any Certificate of Transient Rental Compliance.

**30-90.5. Responsible Party Required.**

Whenever any property is required to be registered under this Section, the owner shall appoint a natural person to serve as the Responsible Party for service of notices as are specified herein, and notices given to the Responsible Party shall be sufficient to satisfy any requirement of notice to the owner. An initial Responsible Party shall be designated, and name submitted with the application for registration, and the City Manager or his/her designee shall thereafter be notified of any change of Responsible Party within ten (10) days of such change. Further, it is the affirmative duty of the Responsible Party to:

(a) Provide all guests prior to occupancy of the property with a written summary, printed in the English and Spanish language, of applicable City of Marco Island Ordinances concerning noise, vehicle parking, garbage, and common area usage. The summary shall include citations to the applicable City of Marco Island Ordinances and instructions on how to access the complete written text. The summary shall be posted in the interior of the structure, prominently near the main entrance of the establishment.

(b) Maintain all properties under their control in compliance with the Code of Ordinances of the City of Marco Island, Florida.

(c) See that the provisions of this Section are complied with and promptly address any violations of this Section or any violations of law which may come to the attention of the Responsible Party.

(d) Be available with authority to address and coordinate solutions to problems with the transient rental of the property twenty-four (24) hours a day, seven (7) days a week.



(e) Be situated close enough to the property as to be able to respond in person within one (1) hour of being notified by a Transient Rental occupant, law enforcement officer, a City Manager designated Rental Compliance Officer/employee, emergency personnel, or the City, of issues related to the Transient Rental. Responsible party shall respond when requested.

(f) Keep available a register of all current guests, only, which shall be available for inspection by authorized personnel of the City of Marco Island at all times.

(g) Maintain, or arrange for the maintenance, of the entire property free of garbage and litter, provided however, that this subsection shall not prohibit the storage of garbage and litter in authorized receptacles for collection.

(h) Conduct an on-site inspection of the Transient Rental at the end of each rental period to assure continued compliance with the requirements of this Section and any applicable state regulations.

### **30-90.6 False Information.**

It shall be unlawful for any person to give any false or misleading information in connection with the application for registration required by this Section. Transient Rental applications shall be sworn to under penalty of perjury. Any owner of any Transient Rental who engages in fraudulent advertising or activity shall be considered as engaging in a violation of this Section.

### **30-90.7 Minimum Requirements for Issuance of a Certificate of Compliance.**

The City Manager or his/her designee may issue a Certificate of Compliance to the applicant upon proof of the following:

(a) The owner or Responsible party completes the City of Marco Island Transient Rental registration application form.

(b) The Transient Rental Registration Administrative Fee has been paid to the City of Marco Island.

(c) A signed and witnessed Responsible Party Authorization Letter (sample provided with Transient Rental Application Form). The Letter will be signed by both the Owner and Responsible Party and both signatures will be witnessed.

(d) A Florida Department of Revenue certificate of registration for purposes of collecting and remitting tourist development taxes, sales surtaxes and/or transient rental taxes.

(e) A Florida Department of Business and Professional Regulation license as a transient public lodging establishment.

(f) An affidavit, demonstrating maintaining initial and on-going compliance with Transient Rental Standards contained herein, plus any other applicable local, State and Federal laws, regulations and standards to include, but not be limited to Chapter 509, Florida Statutes, and Chapter 61C and 69A, Florida Administrative Code, as may be amended from time to time ; and

(g) A copy of the form Transient Occupancy agreement to be used when contracting with Transient Occupants.

(h) That the Transient Rental has satisfied the fire safety inspection requirements, annually, as provided in Section 30-90.8, of the Code of Ordinances of the City of Marco Island.

(i) Submission of the insurance document(s) referenced in Section 30-90.3.

(j) That the Transient rental is not subject to a suspension pursuant to Section 30-90.11.

### **30-90.8. Transient Rental Standards.**



The following standards shall govern the use of any transient rental as a permitted use:

(a) Minimum life/safety requirements:

- (1) Swimming pool, spa and hot tub safety. A swimming pool, spa or hot tub shall comply with the current standards of the "Residential Swimming Pool Safety Act," Chapter 515, Florida Statutes, as may be amended from time to time.
- (2) Dwelling Units. All dwelling units shall meet the single-family dwelling minimum requirements of Sections 30-81 through 30-89 and Section 30-10, Definitions of a Dwelling, Single Family or One Family of the Code of Ordinances of the City of Marco Island, Florida, as may be amended from time to time.
- (3) Smoke and carbon monoxide (CO) detection and notification system. A smoke and carbon monoxide (CO) detection and notification system within the transient rental unit shall be installed, operational and interconnected/hard-wired and receive primary power from the building wiring. The smoke and carbon monoxide (CO) detection and notification system will be continually maintained and tested consistent with the requirements of Section R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code – Residential.
- (4) Fire extinguisher. A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each floor/level of the unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.
- (5) That all overnight vehicles associated with the Transient Rental must be parked within a garage and/or on a driveway located on the subject property and in compliance with the Code of Ordinances of the City of Marco Island.
- (6) Local phone service. At least one landline telephone with the ability to call 911 shall be available in the main level common area in the Transient Rental.
- (7) Included in the yearly Registration Fee described in Section 30-90.4 is the cost of a Marco Island Fire Department Fire Safety inspection. This inspection shall be conducted by a City of Marco Island Licensed Fire Inspector and shall be completed in accordance with any applicable state and local fire safety regulations. This inspection, and any required corrections/modifications must be completed prior to the issuance of a Transient Rental Certificate of Compliance.

(b) Maximum occupancy. The occupancy of a Transient Rental shall not exceed:

- (1) Two (2) persons per Sleeping (Bedroom) Room. The number of Bedrooms shall match the building plans or records if no plans exist, and shall be used in determining the number of Sleeping Rooms at the Transient Rental. Any advertisement or hold out for rental of the transient property must reflect



342 and match the number of Bedrooms on record with the City of Marco  
343 Island Building Department or Collier County.

- 344 (2) The maximum number of persons allowed to gather at a Transient Rental  
345 shall not exceed one and one-half times the maximum occupants  
346 authorized to stay overnight at that site, as shown on the Certificate of  
347 Compliance, and in no event shall a gathering exceed 20 persons. After  
348 10 p.m., the number of occupants shall not exceed the maximum  
349 occupancy described in 30-90.8(b)1, above plus a maximum of two (2)  
350 additional persons. By way of example only, the maximum number of  
351 occupants past 10 p.m. in a three-bedroom house is eight (8).This  
352 subsection shall not apply to owner-occupied Transient Rentals when the  
353 property owner is physically present on the site during the gathering.

- 354 (3) Up to two (2) persons are exempt from and shall not count towards the  
355 occupancy limits set in subsections 8(b)2 above.

356 (c) Solid waste handling and containment. City solid waste containers shall be provided.  
357 Appropriate screening and storage requirements for solid waste containers shall apply per any  
358 development approval. For purposes of this section, a solid waste container shall not be placed at  
359 curbside before 6:00 p.m. of the day prior to solid waste pickup, and the solid waste container shall be  
360 removed from curbside before 7:00 p.m. midnight of the day of pickup.

361 (d) Minimum transient occupancy agreement wording. The transient occupancy agreement  
362 shall contain the minimum information as provided for in subsections 30-90.8 (b), (d), and (e). The  
363 transient occupant responsible for all guests and occupancy payments will sign the transient occupancy  
364 agreement acknowledging the rules. The wording of such an agreement shall contain a clause indicating  
365 that the occupant(s) acknowledge the rules and will agree to vacate the premises in the event of a  
366 violation of this Section upon request by the Owner or Responsible Party and whereas any such vacation  
367 shall occur not more than 12 hours upon such request.

368 (e) Minimum transient occupancy information. The transient rental occupants shall be  
369 provided with a summary of the information required in the agreement described in subsection 30-  
370 90.8(d) with instructions on how to access the full text and the Owner shall post the following  
371 conspicuously within the establishment:

- 372 (1) A statement advising the Occupant that any sound shall not be plainly  
373 audible for a period of one (1) minute or longer at a distance of twenty-  
374 five (25) feet or more when measured from the source property line  
375 between the hours of 10:00 p.m. and 7:00 a.m. daily and at a distance of  
376 fifty (50) feet or more when measured from the source property line  
377 between the hours of 7:00 a.m. and 10:00 p.m. daily.  
378 (2) The parking restrictions for occupant vehicles  
379 (3) Any applicable boat storage and docking regulations and restrictions  
380 (4) A sketch or photograph of the location of the off-street parking spaces.  
381 (5) The days and times of trash pickup.  
382 (6) The notice of sea turtle nesting season and sea turtle lighting regulations,  
383 if applicable.  
384 (7) The location of the nearest hospital; and  
385 (8) The City's non-emergency police phone number.



(9) There shall be posted, in a conspicuous location a legible copy of the building evacuation map – Minimum 8-1/2" by 11".

(f) Designation of a transient rental responsible party capable of meeting the duties provided in subsection 30-90.5.

(g) Advertising. Any advertising of the transient rental unit shall conform to information included in the Transient Rental Certificate of Compliance and the property's approval, particularly as this pertains to maximum occupancy. A statement stating "it is unlawful for a sexual offender or sexual predator to occupy this residence" if so determined pursuant to subsection 30-90.8.h of this code and the Certificate of Compliance number shall be included in all advertising.

(h) Sexual offenders and sexual predators. It is unlawful for any property owner or designated representative to allow another person to occupy any residential property as a Transient Rental within the City of Marco Island, as a Transient Occupant if such property owner or designated representative knew or should have known that it will be occupied by a person prohibited from establishing a permanent residence or temporary residence at said residential property pursuant to the Marco Island Code of Ordinances, Section 18-200, if such place, structure, or part thereof, trailer or other conveyance, is located within two thousand five hundred feet (2,500') of any school, designated public school bus stop, child day care facility, park or playground or other place where children regularly congregate. Property owner or designated representative shall determine prior to submission of an application for a Certificate of Compliance whether the Transient Rental property is located in an area unlawful sexual offenders or sexual predators to occupy pursuant to section 18-200 of the Marco Island Code of Ordinances.

(i) Posting of Certificate of Compliance. The Certificate of Compliance shall be posted on the back of or next to the interior of the main entrance door and shall include at a minimum the name, address and phone number of the Responsible party, the maximum occupancy of the Transient Rental and a statement stating "it is unlawful for a sexual offender or sexual predator to occupy this residence" if so determined pursuant to subsection 30-90.8.h.

(j) That all overnight vehicles associated with the Transient Rental must be parked within a garage or on the subject Transient Rental driveway in compliance with the Code of Ordinances of the City of Marco Island.

(k) Other standards. Any other standards contained with the Code of Ordinances of the City of Marco Island to include, but not be limited to: Transient Rental noise, setbacks, stormwater and similar provisions.

### **30-90.9. Transient Rental Noise Control**

(a) Notwithstanding existing Noise Regulations contained in Article IV, Section 18, of the Marco Island Code of Ordinances, the use of a RSF property as a Transient Rental is a "public lodging" use of a home in a residential neighborhood. As such, a much stricter/quieter set of noise parameters must be defined for this application. For any RSF property being used as a Transient Rental, the Noise Regulations shall be defined as:

(b) Any sound noise shall not be plainly audible for a period of one (1) minute or longer at a distance of twenty-five (25) feet or more when measured from the source property line between the hours of 10:00 p.m. and 7:00 a.m. daily and at a distance of fifty (50) feet or more when measured from the source property line between the hours of 7:00 a.m. and 10:00 p.m., daily."



(c) For all other Noise applications, Article IV of the Marco Island Code of Ordinances shall apply.

### **30-90.10 Expiration of Registration and Certificates of Compliance**

(a) All registrations for which a certificate of compliance has been issued under the provisions of this Section shall be valid for no more than one year, and all registrations and certificates of compliance shall expire on September 30<sup>th</sup> of each year. The application for renewal must be submitted no later than sixty (60) days prior to the September 30<sup>th</sup> expiration date. Dates for renewal and applicable late renewal fees shall be established by resolution of the City Council of the City of Marco Island, or Designee, in accordance with Section 30-90.4., and shall be charged to an application for renewal submitted prior to the expiration date but after the sixty (60) days required by this section. All applications for renewal received after the annual expiration date September 30<sup>th</sup> shall be processed as a new application and subject to all applicable fees.

### **30-90.11 Penalties and Offenses**

(a) Any Certificate of Rental Compliance issued pursuant to this Section may be or suspended by the Magistrate pursuant to Section 11(d) of this Section. Such suspension is in addition to any penalty provided herein.

#### **(b) Offenses/violations.**

(1) Non-compliance with any provisions of this Section shall constitute a violation of this Section.

(2) Separate violations. Each day a violation exists shall constitute a separate and distinct violation, except that occupancy violations of subsection 30-90.8.b. regarding occupancy, and parking violations of subsection 30-90.3 regarding parking shall constitute a single violation for a rental period.

#### **(c) Remedies/enforcement.**

(1) Violations of this Section shall be subject to penalties as part of a progressive enforcement program with the primary focus on compliance and compatibility with adjoining properties, versus penalties and legal actions. To accomplish a safe and effective transient rental program it is key that transient rental Responsible Parties are responsive and responsible in the management of the property for compliance with this section.

Any person, persons, Transient Rental owner, guilty of violating any of the provisions of this Section shall be deemed guilty of a civil infraction. The amount of the civil penalty may be up to \$250.00 for the first violation, up to \$500.00 for the second violation within a 24 month period, up to \$1,000.00 for the third violation within a 24 month period, up to \$2,000.00 for the fourth violation within a 24 month period, up to \$4,000.00 for the fifth violation within a 24 month period, and up to \$5,000.00 for the sixth and any subsequent violations within a 24 month period.

(2) Any person who operates a Transient Rental and fails to register as required in Sections 3 and 4 of this Section shall be subject to a daily fine of



\$1,000.00 for each day the Transient Rental is operated without a valid Transient Rental Certificate of Compliance.

(3) Additional remedies. Nothing contained herein shall prevent the City of Marco Island from seeking all other available remedies which may include, but not be limited to, suspension of a Transient Rental Certificate of Compliance, injunctive relief, liens and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

(d) Suspension of Transient Rental Certificate of Compliance. In addition to any fines and any other remedies described herein or provided for by law, a magistrate shall suspend a Transient Rental Certificate of Compliance in accordance with the following:

(1) Suspension time frames.

a. Upon a fourth violation of this Section within 24 months the Transient Rental Certificate may be suspended for a period of up to one hundred eighty (180) calendar days at the discretion of the magistrate.

b. Upon a fifth violation of this Section within 24 months the Transient Rental Certificate may be suspended for a period of up to three hundred sixty-five (365) calendar days at the discretion of the magistrate.

c. For each additional violation of this Section within 24 months the Transient Rental Certificate may be suspended for a period of up to an additional thirty (30) calendar days at the discretion of the magistrate, up to a maximum period of twelve (12) months. For example, the sixth violation shall be for three hundred ninety-five (395) calendar days; the seventh violation shall be for four hundred fifteen (415) calendar days, and so on.

d. A Transient Rental Certificate of Compliance shall be subject to temporary suspension beginning five (5) working days after a citation is issued for a violation of the Florida Building Code, or Florida Fire Prevention Code. Such suspension shall remain in place until the transient rental is reinspected, and it is determined that the violation no longer exists by the City, in accordance with d.2, below.

(2) Suspension restrictions. A transient rental may not provide transient rental occupancy during any period of suspension of a Transient Rental certificate. This provision shall not prevent a Transient Rental owner from exercising a long-term rental (any rental 30 continuous days or more) during a suspension period. However, in the event a transient occupant does not occupy the Transient Rental for at least 30 continuous days, the Transient Rental owner cannot initiate a new rental lease until the full 30-day period has elapsed. A Transient Rental that enables and executes Transient Rental occupancy for any period less than 30 continuous days during a suspension period shall be considered to be in violation of this Section and shall be subject to the enforcement penalties of this section.

a. The suspension shall begin immediately following notice, commencing either;

i. at the end of the current transient rental lease period; or



516 ii. within thirty (30) calendar days, whichever date commences  
517 earlier, or as otherwise determined by the Magistrate.

518 b. Operation during any period of suspension shall be deemed a violation  
519 pursuant to this Section and shall be subject to daily fine, up to One Thousand Dollars  
520 (\$1,000.00) or to the maximum amount as otherwise provided in Florida Statutes for  
521 repeat violations, for each day that the transient rental operates during a period of  
522 suspension.

523 c. An application for a renewal may be submitted during the period of  
524 suspension; however, no Certificate of Compliance may be issued for the transient rental  
525 until the period of suspension has expired.

526 d. A Transient Rental Certificate of Compliance cannot be reinstated from  
527 suspension if any fines, liens, fees are outstanding and due to the City of Marco Island.

528 e. In accordance with Section 30-90.2.a, any Transient Rental property where  
529 the Transient Rental Certificate of Compliance has been suspended, is not legally eligible  
530 to be advertised as a short-term rental property during the period of suspension. The City  
531 of Marco Island, or Designee, will notify the Responsible Party with regard to a  
532 suspension.

533  
534 **30-90.12 Complaints.**

535 (a) Whenever a violation of this Section occurs, or is alleged to have occurred, any person  
536 may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed  
537 with the City Manager or his/her designee. The City Manager or his/her designee shall promptly record  
538 such complaint, investigate, and take action thereon in accordance with this Section.

539 (b) A Violation and/or complaint may also be filed by telephone directly to the City of Marco  
540 Island, or Designee, Rental Hotline. This number will be published, when operational, on the City website  
541 and via local newspapers. Operation of the Hotline will be determined by the City Manager and/or his  
542 or her Designee.

543  
544 **30-90.13 Enforcement.**

545 The provisions of this Section shall be enforced as provided in Section 14 - Code Enforcement, of  
546 the Code of Ordinances of the City of Marco Island, Florida.

547  
548 **30-90.14 Rental Registration Program Administration.**

549 The Marco Island City Council shall be responsible for the implementation and funding for the  
550 Program described in this Ordinance.

551  
552 **30-90.15 Rental Registration Program Subordination.**

553 (a) Upon any determination that Short Term Rentals are illegal on Marco Island, this Section  
554 shall not apply for any such illegal rental(s) and the illegal rental(s) shall cease to operate in accordance  
555 with the provisions herein.

556 (b) However, in the event that any other rental in the RSF district that is not deemed illegal  
557 and that is defined by Florida State Statutes as a "Public Lodging Establishment" or any transient rental  
558 that is not a primary or principal residence of the renting party, any such rental shall be governed and  
559 regulated by this Section.



(c) In the event that the City of Marco Island determines that Short Term Transient Rentals are not allowed in RSF zoning, no new Transient Rental Compliance Certificates will be issued, and the Rental Registration Program will be discontinued as of 30 September of the year such rental ban is determined. Transient Rentals will be allowed, in accordance with Section 30-90 of the Marco Island Code of Ordinances until 30 September of the year of the Short Term Rental ban.

### SECTION 3. Severability / Interpretation.

(a) If any term, section, clause, sentence or phrase of this Ordinance is for any reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the other remaining terms, section, clauses, sentences, or phrases or portions of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision clause, sentence, or section did not exist.

(b) In interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (\*\*\*\*) indicate a deletion from the Ordinance of text, which continues to exist in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

**SECTION 4. Conflicts.** All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are hereby superseded and resolved to the extent of any conflict in favor of the provisions of this Ordinance.

**SECTION 5. Codification.** It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code of the City of Marco Island, and that the sections of this Ordinance may be renumbered to accomplish such intent.

**SECTION 6 Effective Date.** This Ordinance shall take effect immediately upon its passage on second and final reading of the Marco Island City Council.

PASSED AND ADOPTED in regular session on second and final reading on this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA

By: \_\_\_\_\_  
Michael Sheffield, City Clerk

By: \_\_\_\_\_, Chair

Approved as to form:

By: \_\_\_\_\_  
Alan L. Gabriel, City Attorney



Marco Island Ordinance titled "Implement a Single-Family Home Transient Rental Registration Program including rules, inspections, penalties, and suspensions"

ORDINANCE NO. 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, ADDING TO THE LAND DEVELOPMENT CODE OF THE CODE OF ORDINANCES, IN ARTICLE II, ZONING, SECTION 30-90, CREATING A SELF-FINANCED, TRANSIENT SINGLE-FAMILY HOME (RSF) RENTAL REGISTRATION PROGRAM;; CREATING DEFINED TERMS; CONDITIONS REQUIRING TRANSIENT, SINGLE-FAMILY HOME RENTAL REGISTRATION AND APPLICATION REQUIREMENTS; CREATING TRANSIENT RENTAL REGISTRATION PROCESS; DEFINING THE QUALIFICATION OF AND REQUIREMENTS FOR A RESPONSIBLE PARTY; TRANSIENT RENTAL STANDARDS/RULES AND INSPECTIONS; THE PROCESS FOR RENEWAL OF REGISTRATION AND PENALTIES RESULTING IN FINES AND/OR THE SUSPENSION OF THE CERTIFICATE OF RENTAL COMPLIANCE; AND PROVIDING FOR SEVERABILITY;; PROVIDING A CONFLICTS CLAUSE, SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Marco Island's Land Development Code needs to be updated and revised to "Create a Rental Registration Program for RSF Zoned properties; and

WHEREAS, the City Council of the City of Marco Island, Florida, finds the enclosed ordinance is consistent with the latest version of the Marco Island Comprehensive Plan.

WHEREAS, the City Council of the City of Marco Island has determined that the proposed revisions to the Land Development Code are in the best interests of the general welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Marco Island, FLORIDA, that:

Section 1. The above recitals are true and correct and are hereby incorporated into this Ordinance as if fully restated herein.

Section 2. Section 30-90, of the Land Development Code of the Code of Ordinances of the City of Marco Island, Florida, shall be created and titled Rental Registration Program, and shall hereby include the following:

**Section 30-90**

**1. Definitions**

**Certificate of Transient Rental Compliance** means the document that is issued by the City that bears the words "Transient Rental Certificate of Compliance" and evidences that the person or

INITIATIVE INFORMATION:

PAGE 2 OF 17

EXHIBIT

A



Marco Island Ordinance titled "Implement a Single-Family Home Transient Rental Registration Program including rules, inspections, penalties, and suspensions"

entity, in whose name the document is issued, has complied with the provisions of this article relating to transient rentals.

**Garbage** (included as Litter) as defined in Section 18-32 of the Marco Island Code of Ordinances.

**Residential property** as defined in Chapter 30, Division 2 of the Marco Island Code of Ordinances

**Responsible party** shall mean the owner, or the person designated by the owner, of the property to be called upon to answer for the maintenance of the property and the conduct and acts of occupants of residential properties. The Responsible Party shall be able to physically respond to the property within 1 (one) hour after notification.

**Sleeping Room** shall mean a room or space within a dwelling unit, primarily designed and used or intended to be used for sleeping purposes, excluding living rooms, family rooms, kitchens, bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets and storage space. A couch/sofa and/or pull-out couch/sofa can be used for occupants 13 years and under, as cited in 30.90.8.b.1.c.

**Transient Occupants** means any person, or guest or invitee of such person, who occupies or is in actual or apparent control or possession of residential property for a period of less than 30 days, registered as required pursuant to this Article to be registered as, a Transient Rental. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the Transient Rental is a Transient Occupant.

**Vacation Rental/Transient Rental** shall mean any individually or collectively owned RSF zoned single-family home, irrespective of the number of bedrooms, that is rented to Transient Occupants more than three (3) times in a calendar year for periods of less than thirty (30) days, or which is advertised or held out to the public as a place regularly rented to Transient Occupants.

## **2. Registration Required**

(a) It is unlawful for any person to allow another person to occupy any residential property that is a single-family, RSF zoned, house or dwelling unit as a Transient Rental within the City of Marco Island, or offer such property for rent as a Transient Rental within the City of Marco Island, unless the person has registered the property as a Transient Rental property with the City of Marco Island, or Designee, and the Transient Rental property has been Issued a Certificate of Transient Rental Compliance in accordance with the provisions of this Article.

(b) An application for registration as a Transient Rental is deemed pending when the application has been filed, all applicable fees have been paid to the City pursuant to Section 30-90.3,



Marco Island Ordinance titled "Implement a Single-Family Home Transient Rental Registration  
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Code of Ordinances of the City of Marco Island, Florida, a Certificate of Transient Rental Compliance has not been issued for the property and the application has not been rejected. A registration application rejected as incomplete is not pending. Notwithstanding subsection (a) above, a person may allow another person to occupy a residential property, for which a Certificate of Transient Rental Compliance has not been issued, as a Transient Rental, when an application is pending if:

- (1) The residential property has an effective and valid license as a Transient Rental classification of public lodging establishment issued by the Florida Department of Business and Professional Regulations prior to November 1, 2022; and
- (2) The residential property is not in violation of any section of the Code of Ordinances of the City of Marco Island; and
- (3) An application for registration of the residential property as a Transient Rental has been filed pursuant to Section 30-90.3 and all applicable fees have been paid; and
- (4) That said occupancy of the Transient Rental was scheduled prior to August 15, 2022, as evidenced by a written and validly executed rental agreement or contract provided to the City Manager, or his/her Designee, no later than November 15, 2022.
- (5) The residential property has no fines or liens, payable to the City of Marco Island, outstanding at the time of Application.
- (6) Transient Rental shall be registered annually on or before the thirtieth (30th) day of September.

**3. Application for Transient Rental Registration**

(a) A separate application for registration of a Transient Rental shall be made to the City Manager or his/her designee for each dwelling unit, as the term is defined in Section 30-90.1 of the City of Marco Island, Florida, Land Development Code, proposed for use as a Transient Rental and shall set forth at a minimum:

- (1) The legal description of the property offered for rental (i.e., address, lot, block and subdivision name);
- (2) Name, address, electronic mail address, and phone number of owner of said property; Name, address, electronic mail address, and emergency contact phone number of Responsible Party for said property, which shall be a twenty-four (24) hour, seven (7) days a week contact phone number.
- (3) That the phone number for the Responsible party will be answered twenty-four



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(24) hours a day, seven (7) days a week by the Responsible Party.

(4) Acknowledgements by owner of the following:

a. That all overnight vehicles associated with the Transient Rental must be parked within a driveway located on the subject property and said driveway is constructed in compliance with the Code of Ordinances of the City of Marco Island.

b. That it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in Section 30-90.9, Transient Rental Noise Control.

c. That the owner shall comply with all applicable City, County, State and Federal laws, rules, Regulations, Ordinances and Statutes.

d. That no solid waste container shall be located at the curb for pickup before 6:00 p.m. of the day prior to pick up, and solid waste container shall be removed before midnight of the day of pickup;

e. That whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance of a property, or, having been authorized, licensed, or invited, is warned by the owner or lessee, to depart the property and refuses to do so, commits the offense of trespass in a structure or conveyance.

f. That other properties are not jointly shared commodities and should not be considered available for use by transient occupants of the property subject of the application; and

(5) Proof of owner's current ownership of the property.

(6) Proof of registration with the Florida Department of Revenue for sales tax collection (for Collier County Sales Tax); and

(7) Proof of licensure with the Florida Department of Business and Professional Regulation for a transient public lodging establishment.

(9) Minimum Insurance Requirements: Every short-term rental property licensed pursuant to this Section shall continuously maintain liability insurance appropriate to cover the short-term rental use, including any necessary policy endorsements, with a minimum of at least \$1 million or solely conduct each short-term rental transaction through a platform that provides equal or greater liability insurance coverage to cover the short-term rental use. Evidence of Insurance: Every applicant shall tender to the City of Marco Island, or Designee, the certificates of insurance certifying that insurance of the



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types and in the amounts required by this chapter are in full force and effect at all times; and

(8) Proof of compliance with Subsection 30-90.8

a. Submission of an incomplete registration application form shall result in rejection of the application.

b. An application for the modification of a Transient Rental registration is required when any of the following changes to the Transient Rental are proposed:

(1) A change in the gross square footage.

(2) A change in the number of bedrooms.

(3) A change in the maximum occupancy.

(4) A change in the number of parking spaces, or a change in the location of parking spaces.

Upon completion of the changes or alterations to the Transient Rental property or the Transient Rental operation the owner shall notify the City, or Designee, within ten (10) days of completion. A new certificate of compliance may be issued if the conditions of Section 30-90.3.a have been met and all required permits have been issued for the changes or alterations.

**4. Fee and Costs for Registration**

(a) The City of Marco Island shall charge a fee for Rental Registration. The Marco Island City Council, upon adoption of this Ordinance, will determine the amount of the Fee, per year, together with a consideration as to whether this fee is refundable or nonrefundable. The Marco Island City Council shall determine the funding method for the Registration Program. It should be noted that the State of Florida is considering a maximum Registration Fee of \$50 (fifty dollars) per year for all Rental Registrations.

1. In addition to the yearly Registration Fee, every Applicant of a Rental Compliance Certificate shall be assessed a non-refundable Program Cost Administration Fee. This Fee is subject to yearly adjustment and will be calculated as the total cost of the Program, including Administrative and Enforcement costs, divided by the number of Transient Rental Homes. This Fee will include the cost of the yearly Fire Inspection fee. Each Fiscal year, the City Manager, Director of Finance and any other Designated Personnel, will determine the new Program Cost Administration Fee that will be adjusted to reflect any shortage or overage for the new Fiscal year. It is the intention of the Program to be administered to not generate a profit or loss for the Program. The Marco Island City Council shall determine all funding aspects of the Program, in coordination with the Director of Finance.



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2. The first year Program Cost Administration Fee, shall be determined by the Marco Island City Council, and shall be assessed on per Transient Rental Home basis.

(b) No Registration can be completed if a home has outstanding fees, fines or liens owed to the City of Marco Island for any reason(s). Proof of payment of any outstanding fees, fines or liens shall be submitted prior to the issuance of any Certificate of Transient Rental Compliance.

**5. Responsible party required.**

Whenever any property is required to be registered under this Article, the owner shall appoint a natural person to serve as the Responsible Party for service of notices as are specified herein, and notices given to the Responsible Party shall be sufficient to satisfy any requirement of notice to the owner. An initial Responsible Party shall be designated, and name submitted with the application for registration, and the City Manager or his/her designee shall thereafter be notified of any change of Responsible Party within ten (10) days of such change. Further, it is the affirmative duty of the Responsible Party to:

(a) Provide all guests prior to occupancy of the property with a written summary, printed in the English and Spanish language, of applicable City of Marco Island Ordinances concerning noise, vehicle parking, garbage, and common area usage. The summary shall include citations to the applicable City of Marco Island Ordinances and instructions on how to access the complete written text. The summary shall be posted in the interior of the structure, prominently near the main entrance of the establishment.

(b) Maintain all properties under their control in compliance with the Code of Ordinances of the City of Marco Island, Florida.

(c) See that the provisions of this Article are complied with and promptly address any violations of this Article or any violations of law which may come to the attention of the Responsible Party.

(d) Be available with authority to address and coordinate solutions to problems with the rental of the property twenty-four (24) hours a day, seven (7) days a week.

(e) Be situated close enough to the property as to be able to respond in person within one (1) hour of being notified by a Transient Rental occupant, law enforcement officer, a City Manager designated Rental Compliance Officer/employee, emergency personnel, or the City, of issues related to the Transient Rental. Responsible party shall respond when requested.

(f) Keep available a register of all current guests, only, which shall be available for inspection by authorized personnel of the City of Marco Island at all times.



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(g) Maintain, or arrange for the maintenance, of the entire property free of garbage and litter, provided however, that this subsection shall not prohibit the storage of garbage and litter in authorized receptacles for collection.

(h) Conduct an on-site inspection of the Transient Rental at the end of each rental period to assure continued compliance with the requirements of this chapter.

**6. False information.**

It shall be unlawful for any person to give any false or misleading information in connection with the application for registration required by this Article. Transient Rental applications shall be sworn to under penalty of perjury. Any false statements made in an application shall be a basis for the revocation of any license issued pursuant to such application.

**7. Minimum Requirements for Issuance of a Certificate of Compliance.**

The City Manager or his/her designee may issue a Certificate of Compliance to the applicant upon proof of the following:

(a) The owner or Responsible party completes the City of Marco Island Transient Rental registration application form.

(b) The non-refundable Transient Rental registration fee has been paid to the City of Marco Island.

(c) A signed and Notarized Responsible Party Authorization Letter (sample provided with Transient Rental Application Form). The Letter will be signed by both the Owner and Responsible Party and both signatures will be Notarized.

(d) A Florida Department of Revenue certificate of registration for purposes of collecting and remitting tourist development taxes, sales surtaxes and/or transient rental taxes.

(e) A Florida Department of Business and Professional Regulation license as a transient public lodging establishment.

(f) An affidavit, demonstrating maintaining initial and on-going compliance with Transient Rental Standards contained herein, plus any other applicable local, State and Federal laws, regulations and standards to include, but not be limited to Chapter 509, Florida Statutes, and Rules, Chapter 61C and 69A, Florida Administrative Code; and

(g) A copy of the form Transient rental/lease agreement to be used when contracting with Transient Occupants and guests.



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(h) That the Transient Rental has satisfied the inspection requirements, annually, as provided in Section 30-90.8, of the Code of Ordinances of the City of Marco Island.

(i) Submission of the insurance document(s) referenced in Section 30.90.3.a.9.

(j) That the Transient rental is not subject to a suspension pursuant to Section 30-90.11.

**8. Transient Rental Standards.**

The following standards shall govern the use of any transient rental as a permitted use:

(a) Minimum life/safety requirements:

1. Swimming pool, spa and hot tub safety. A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes.

2. Dwelling Units. All dwelling units shall meet the single-family dwelling minimum requirements of Article VI. Minimum Housing Code, Chapter 9, Buildings and Construction of the Code of Ordinances of the City of Marco Island, Florida.

3. Smoke and carbon monoxide (CO) detection and notification system. A smoke and carbon monoxide (CO) detection and notification system within the transient rental unit shall be installed, operational and interconnected/hard-wired and receive primary power from the building wiring. The smoke and carbon monoxide (CO) detection and notification system will be continually maintained and tested consistent with the requirements of Section R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code – Residential.

4. Fire extinguisher. A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each floor/level of the unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.

5. That all overnight vehicles associated with the Transient Rental must be parked within a garage and/or on a driveway located on the subject property and in compliance with the Code of Ordinances of the City of Marco Island.



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6. Local phone service. At least one landline telephone with the ability to call 911 shall be available in the main level common area in the Transient Rental.

7. Included in the yearly Registration Fee described in Section 30-90.4 is the cost of a Marco Island Fire Dept. Fire Safety inspection. This inspection, and any required corrections/modifications must be completed prior to the issuance of a Transient Rental Certificate of Compliance.

8. Also required on a yearly basis, is a safety inspection by a City of Marco Island Designated/Authorized Inspector. This inspection, and any required corrections/modifications must be completed prior to the issuance of a Transient Rental Certificate of Compliance.

(b) Maximum occupancy. The occupancy of a Transient Rental shall not exceed:

1. Two (2) persons per Sleeping (Bedroom) Room. The number of Bedrooms is reflected in the records of the Collier County Property Appraiser's Office (via cross-referencing Building Permit look-up) and shall be used in determining the number of Sleeping Rooms at the Transient rental.

a. The maximum number of persons allowed to gather at a Transient Rental shall not exceed one and one-half times the maximum ADULT occupants authorized to stay overnight at that site, as shown on the Certificate of Compliance, and in no event shall a gathering exceed 20 persons. After 10 pm, the number of occupants shall not exceed the maximum occupancy described in (b)1, above plus a maximum of 4 persons under the age of 13 years.

This subsection a. shall not apply to owner-occupied Transient Rentals when the property owner is physically present on the site during the gathering.

b. Up to four (4) persons under 13 years of age are exempt from and shall not count towards the occupancy limits set in subsections a. and b. above.

(c) Solid waste handling and containment. City solid waste containers shall be provided as required. Appropriate screening and storage requirements for solid waste containers shall apply per any development approval. For purposes of this section, a solid waste container shall not be placed at curbside before 6:00 p.m. of the day prior to solid waste pickup, and the solid waste container shall be removed from curbside before midnight of the day of pickup.



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(d) Minimum transient rental/lease agreement wording. The transient rental/lease agreement shall contain the minimum information as provided for in this subsection 30-90.8

(e) Minimum transient rental lessee information. The transient rental lessee shall be provided with a summary of the information required in subsection 30-90.8 with instructions on how to access the full text and shall post the following conspicuously within the establishment:

1. A statement advising the Occupant that any sound shall not be plainly audible for a period of one (1) minute or longer at a distance of twenty-five (25) feet or more when measured from the source property line between the hours of 10:00 p.m. and 7:00 a.m. daily and at a distance of fifty (50) feet or more when measured from the source property line between the hours of 7:00 a.m. and 10:00 p.m. daily.

2. A sketch or photograph of the location of the off-street parking spaces.

3. The days and times of trash pickup.

4. The notice of sea turtle nesting season and sea turtle lighting regulations, if applicable.

5. The location of the nearest hospital; and

6. The City's non-emergency police phone number.

7. There shall be posted, next to the interior door of each bedroom a legible copy of the building evacuation map – Minimum 8-1/2" by 11".

(f) Designation of a transient rental responsible party capable of meeting the duties provided in subsection 30-90.5.

(g) Advertising. Any advertising of the transient rental unit shall conform to information included in the Transient Rental Certificate of Compliance and the property's approval, particularly as this pertains to maximum occupancy. A statement stating "it is unlawful for a sexual offender or sexual predator to occupy this residence" if so determined pursuant to subsection 30-90.8.h of this code and the Certificate of Compliance number shall be included in all advertising.

(h) Sexual offenders and sexual predators. It is unlawful for any property owner or designated representative to allow another person to occupy any residential property as a Transient Rental within the City of Marco Island, as a Transient Occupant if such property owner or designated representative knew or should have known that it will be occupied by a person prohibited from establishing a



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permanent residence or temporary residence at said residential property pursuant to the Marco Island Code of Ordinances, Section 18-200, if such place, structure, or part thereof, trailer or other conveyance, is located within one thousand four hundred (1,400) feet of any school, designated public school bus stop, child day care facility, park or playground or other place where children regularly congregate. Property owner or designated representative shall determine prior to submission of an application for a Certificate of Compliance whether the Transient Rental property is located in an area unlawful sexual offenders or sexual predators to occupy pursuant to section 18-200 of the Marco Island Code of Ordinances.

(c) Posting of Certificate of Compliance. The Certificate of Compliance shall be posted on the back of or next to the interior of the main entrance door and shall include at a minimum the name, address and phone number of the Responsible party, the maximum occupancy of the Transient Rental and a statement stating "it is unlawful for a sexual offender or sexual predator to occupy this residence" if so determined pursuant to subsection 30-90.8.h.

(d) That all overnight vehicles associated with the Transient Rental must be parked within a garage or on the subject Transient Rental driveway in compliance with the Code of Ordinances of the City of Marco Island.

(e) Other standards. Any other standards contained with the Code of Ordinances of the City of Marco Island to include, but not be limited to: Transient Rental noise, setbacks, stormwater and similar provisions.

(f) As a general policy, tenants and their guests are required to adhere to a "good neighbor" Code of Conduct Policy by which they will be respectful of their neighbors and not disrupt the peace and tranquility of their neighbors; not make raucous, loud, or unnecessary noise at any time; not allow drunken, disorderly, or intoxicated conduct on the short-term rental dwelling property; and not violate parking or occupancy restrictions. The owner shall provide a copy of the Code of Conduct "good neighbor" Policy to all tenants at the commencement of rental occupancy of a dwelling

#### 9. Transient Rental Noise Control

Notwithstanding existing Noise Regulations contained in Article IV, Section 18, of the Marco Island Code of Ordinances, the use of a RSF property as a Transient Rental is a "public lodging" use of a home in a residential neighborhood. As such, a much stricter/quieter set of noise parameters must be defined for this application. For any RSF property being used as a Transient Rental, the Noise Regulations shall be defined as:

Any sound shall not be plainly audible for a period of one (1) minute or longer at a distance of twenty-five (25) feet or more when measured from the source property line between the hours



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of 10:00 p.m. and 7:00 a.m. daily and at a distance of fifty (50) feet or more when measured from the source property line between the hours of 7:00 a.m. and 10:00 p.m., daily."

For all other Noise applications, Article IV of the Marco Island Code of Ordinances shall apply.

**10. Expiration of Registration and Certificates of Compliance**

(a) All registrations for which a certificate of compliance has been issued under the provisions of this Article shall be valid for no more than one year, and all registrations and certificates of compliance shall expire on September 30th of each year. The application for renewal must be submitted no later than sixty (60) days prior to the September 30th expiration date. Dates for renewal and applicable late renewal fees shall be established by resolution of the City Council of the City of Marco Island, or Designee, in accordance with Section 30-90.4.a.1 and shall be charged to an application for renewal submitted prior to the expiration date but after the sixty (60) days required by this section. All applications for renewal received after September 30 shall be processed as a new application and subject to all applicable fees.

**11. Revocation, Penalties, Offenses, and Revocation**

(a) Any Certificate of Rental Compliance issued pursuant to this Article may be denied, revoked, or suspended by the City Manager or his/her designee upon the adjudication of a violation of this Article, any City of Marco Island Ordinance, or State law by the Responsible party, property owner or Transient Occupant attributable to the property for which the Certificate of Compliance is issued. Such denial, revocation or suspension is in addition to any penalty provided herein.

**(b) Offenses/violations.**

(1) Non-compliance with any provisions of this Article shall constitute a violation of this Article.

(2) Separate violations. Each day a violation exists shall constitute a separate and distinct violation, except that occupancy violations of subsection 30-90.8.b. regarding occupancy and parking violations of subsection 30-90.3.a.5.a regarding parking shall constitute a single violation for a rental period.

**(c) Remedies/enforcement.**

(1) Violations of this article shall be subject to penalties as part of a progressive enforcement program with the primary focus on compliance and compatibility with adjoining properties, versus penalties and legal actions. To accomplish a safe and effective transient rental program it is key that transient rental Responsible Parties are responsive and responsible in the management of the property for compliance with this section.



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Any person, persons, STR owner, guilty of violating any of the provisions of this article shall be deemed guilty of a civil infraction. The amount of the civil penalty for the first uncontested violation shall be \$200.00 and for the first contested violation the penalty shall be \$275.00. Second violations shall be assessed \$500.00 for an uncontested violation and \$650.00 for a contested violation. Third violations shall be assessed \$1000.00 for an uncontested violation and \$1300.00 for a contested violation. These amounts are fixed fines, not subject to reduction by a Magistrate.

(2) Additional remedies. Nothing contained herein shall prevent the City of Marco Island from seeking all other available remedies which may include, but not be limited to, suspension or revocation of a Transient Rental Certificate of Compliance, injunctive relief, liens and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

(d) Suspension of Transient Rental Certificate of Compliance. In addition to any fines and any other remedies described herein or provided for by law, a special magistrate shall suspend a Transient Rental Certificate of Compliance in accordance with the following:

(1) Suspension time frames.

a. Upon a fourth violation of this Article the Transient Rental Certificate shall be suspended for a period of one hundred eighty (180) calendar days.

b. Upon a fifth violation of this Article the Transient Rental Certificate shall be suspended for a period of three hundred sixty-five (365) calendar days.

c. For each additional violation of this Article the Transient Rental Certificate shall be suspended for an additional thirty (30) calendar days up to a maximum period of twelve (12) months. For example, the sixth violation shall be for three hundred ninety-five (395) calendar days; the seventh violation shall be for four hundred fifteen (415) calendar days, and so on.

d A Transient Rental Certificate of Compliance shall be subject to temporary suspension beginning five (5) working days after a citation is issued for a violation of the Florida Building Code, or Florida Fire Prevention Code. Such suspension shall remain in place until the transient rental is reinspected and it is determined that the violation no longer exists by the City, in accordance with d.2, below.

(2) Suspension restrictions. A transient rental may not provide transient or long term rental occupancy during any period of suspension of a Transient Rental certificate.

a. The suspension shall begin immediately following notice, commencing either;

i. at the end of the current transient rental lease period; or



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ii. within thirty (30) calendar days, whichever date commences earlier, or as otherwise determined by the Magistrate.

b. Operation during any period of suspension shall be deemed a violation pursuant to this article and shall be subject to daily fine, up to One thousand dollars (\$1,000.00) or to the maximum amount as otherwise provided in Florida Statutes for repeat violations, for each day that the transient rental operates during a period of suspension.

c. An application for a renewal may be submitted during the period of suspension; however, no Certificate of Compliance may be issued for the transient rental until the period of suspension has expired.

d. A Transient Rental Certificate of Compliance cannot be reinstated from suspension if any fines, liens, fees are outstanding and due to the City of Marco Island.

e. In accordance with Section 30-90.2.a, any Transient Rental property where the Transient Rental Certificate of Compliance has been suspended, is not legally eligible to be advertised as a rental property. The City of Marco Island, or Designee, will notify agencies such as Airbnb, Craigs List and VRBO and local newspapers with regard to any suspensions (addresses and Certificate numbers). As a matter of information only, these agencies have agreed to not advertise properties that have suspended Certificates and/or are not legal rentals.

## 12. Complaints.

Whenever a violation of this Article occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the City Manager or his/her designee. The City Manager or his/her designee shall promptly record such complaint, investigate, and take action thereon in accordance with this article.

a. A Violation and/or complaint may also be filed by telephone directly to the City of Marco Island, or Designee, Rental Hotline. This number will be published, when operational, on the City website and via local newspapers. Operation of the Hotline will be determined by the City Manager and/or his or her Designee..

## 13. Enforcement

The provisions of this Article shall be enforced as provided in Section 14 - Code Enforcement, of the Code of Ordinances of the City of Marco Island, Florida.

## 14. Rental Registration Program Administration

The Marco Island City Council shall be responsible for the implementation and funding for the Program described in this Ordinance.

## 15. Rental Registration Program Subordination



Marco Island Ordinance titled "Implement a Single-Family Home Transient Rental Registration Program including rules, inspections, penalties, and suspensions"

Upon any determination that Short Term Rentals are illegal on Marco Island, this Ordinance shall not apply for any such illegal rental(s) and the illegal rental(s) shall cease to operate in accordance with the provisions herein.

However, in the event that any other rental in the RSF district that is not deemed illegal and that is defined by Florida State Statutes as a "Public Lodging Establishment" or any transient rental that is not a primary or principal residence of the renting party, any such rental shall be governed and regulated by this Ordinance.

In the event that the City of Marco Island determines that Short Term Transient Rentals are not allowed in RSF zoning, no new Transient Rental Compliance Certificates will be issued, and the Rental Registration Program will be discontinued as of 30 September of the year such rental ban is determined. Transient Rentals will be allowed, in accordance with Section 30-90 of the Marco Island Code of Ordinances until 30 September of the year of the Short Term Rental ban.

Section 3. All ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 4. This Ordinance shall become effective immediately upon its passage on second and final reading of the Marco Island City Council.

Section 5. The Ballot Title of this Ordinance is "Rental Registration Program for RSF Properties in the City of Marco Island"

Section 6. In accordance with Florida Statute 106.161(1), the Ballot Summary (for Ballot use only) is provided for the subject Ordinance as "Shall the City of Marco Island enact an Ordinance adding to the Land Development Code of the Code of Ordinances, in Article II, Zoning, Section 30-90, creating a self-financed Transient (Vacation) RSF Rental Registration Program; creating definitions; conditions requiring registration and application requirements; defining requirements and qualification for Responsible Party; rental standards and inspections; renewal process; violation penalties including fines and/or the suspension of Registration Compliance Certificate"

Yes ( )

NO ( )



Marco Island Ordinance titled "Implement a Single-Family Home Transient Rental Registration  
Program including rules, inspections, penalties, and suspensions"

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PASSED AND ADOPTED in regular session on second and final reading on this  
\_\_\_\_\_ day of 2022.

ATTEST:  
City Clerk \_\_\_\_\_  
First Reading \_\_\_\_\_  
Second Reading \_\_\_\_\_  
Approved as to form and legal sufficiency: \_\_\_\_\_



Marco Island Ordinance titled "Implement a Single-Family Home Transient Rental Registration Program including rules, inspections, penalties, and suspensions"  
CITY ATTORNEY REDLINED 10.7.22 9.25.22

CITY OF MARCO ISLAND

ORDINANCE NO. 22-XX

AN ORDINANCE OF THE CITY ~~COUNCIL OF THE CITY~~ OF MARCO ISLAND, FLORIDA, ~~ADDING-~~ AMENDING CHAPTER 30 OF THE CITY'S TO THE LAND DEVELOPMENT CODE OF THE CODE OF ORDINANCES, IN ARTICLE II, "ZONING", OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES BY CREATING A NEW SECTION 30-90, ~~CREATING TO ESTABLISH~~ A SELF-FINANCED, TRANSIENT SINGLE-FAMILY HOME (RSF) RENTAL REGISTRATION PROGRAM; WITH CREATING DEFINED TERMS; CONDITIONS REQUIRING TRANSIENT, SINGLE-FAMILY HOME RENTAL REGISTRATION AND APPLICATION REQUIREMENTS; CREATING TRANSIENT RENTAL REGISTRATION PROCESS; DEFINING THE QUALIFICATION OF AND REQUIREMENTS FOR A RESPONSIBLE PARTY; TRANSIENT RENTAL STANDARDS/RULES AND INSPECTIONS; THE PROCESS FOR RENEWAL OF REGISTRATION AND PENALTIES RESULTING IN FINES AND/OR THE SUSPENSION OF THE CERTIFICATE OF RENTAL COMPLIANCE; ~~AND~~ PROVIDING FOR SEVERABILITY/INTERPRETATION; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AUTHORITY TO CODIFY; AND; PROVIDING AN EFFECTIVE DATE; ~~AND FOR OTHER PURPOSES.~~

WHEREAS on August 23, 2022, the voters of the City of Marco Island (the "City") voted in favor of a referendum to implement a transient rental registration program in residential single family (RSF) districts pursuant to the ordinance referenced in the referendum (the "Ordinance"). The Ordinance as presented to and approved by Marco registered voters is attached hereto as Exhibit "A"; and

WHEREAS, as provided in the Ordinance, and pursuant to the City of Marco Island Charter, once approved by the City's electors, the Ordinance shall become effective upon its passage following second and final reading by the City Council; and

WHEREAS, in order to ensure conformance with the City's existing Code of Ordinances and Land Development Code, there are revisions necessary to be made to the Ordinance. A copy of the Ordinance with the necessary revisions is attached hereto as Exhibit "B" to this Ordinance; and

WHEREAS, the transient rental registration program provisions, as codified in Section 2 of this Ordinance are hereby adopted by the City of Marco Island City Council pursuant to the City Council's legal obligation following the August 23, 2022 referendum; and

WHEREAS, the City of Marco Island's Land Development Code needs to be updated and revised to "Create a Rental Registration Program for RSF Zoned properties; and



Marco Island Ordinance titled ~~"Implement a Single-Family Home Transient Rental Registration Program including rules, inspections, penalties, and suspensions"~~  
CITY ATTORNEY REDLINED 10.7.22-9.25.22

WHEREAS, the City Council of the City of Marco Island, Florida, finds the enclosed ordinance is consistent with the latest version of the Marco Island Comprehensive Plan; and.

WHEREAS, the City Council of the City of Marco Island has determined that the proposed revisions to the Land Development Code are in the best interests of the general health, safety, and welfare of the residents and businesses of the City of Marco Island.

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

SECTION 1. Recitals. The above recitals are true and correct and are hereby incorporated into this Ordinance as if fully restated herein.

SECTION 2. Amendment and Adoption. Chapter 30 "Land Development Code," Article II "Zoning" ~~Section 30-90, of the Land Development Code of the Code of Ordinances of the City of Marco Island, Florida, be, and the same are hereby amended by enacting a new to create Section 30-90 shall be created and entitled "Rental Registration Program," to provide as follows; and shall hereby include the following:~~<sup>1</sup>

CHAPTER 30 – LAND DEVELOPMENT CODE

\*\*\*\*

ARTICLE II. – ZONING

\*\*\*\*

Sec. 30-90. – Rental Registration Program

÷

~~Section 30-90~~

30-90.1. Definitions

(a) "Certificate of Transient Rental Compliance" means the document that is issued by the City that bears the words "Transient Rental Certificate of Compliance" and evidences that the person or entity, in whose name the document is issued, has complied with the provisions of this Article OrdinanceSection relating to transient rentals.

(b) "Garbage" which is {Included in the definition of as "Litter,"} as defined in Section 18-32 of the City of Marco Island Code of Ordinances.

<sup>1</sup> Additions to existing city code text are shown by underline; deletions from existing city code text are shown by strikethrough. Text in yellow highlight represents revisions to approved Ordinance made by referendum Committee.



Marco Island Ordinance titled "Implement a Single-Family Home Transient Rental Registration Program including rules, inspections, penalties, and suspensions"

CITY ATTORNEY REDLINED 10.7.22 9.25.22

(c) "Noise" is defined as any sounds emanating from the Transient Public Lodging Establishment that can be heard from any adjacent or non-adjacent property. This includes, but is not limited to, human sounds, animal sounds, electronically generated sounds, mechanically generated sounds, musically generated sounds, or any other sounds that would not be heard if the Transient Public Lodging Establishment were not occupied. Any other sounds not applicable in this Ordinance Section shall be subject to Sections 18-104 and 18-105 of the City of Marco Island Code of Ordinances.

(d) "Residential property" as used as a Transient Rental under this ordinance Section shall be defined as a single family home public lodging establishment. See definition of Vacation Rental/Transient Rental below as defined in Chapter 30, Division 2 of the Marco Island Code of Ordinances

(e) "Responsible party/Party" shall mean the owner, or the person designated by the owner, of the property to be called upon to answer for the maintenance of the property and the conduct and acts of transient occupants of residential properties. The Responsible Party shall be able to physically respond to the property within 1 (one) hour after notification.

(f) "Sleeping Room" shall mean a room or space within a dwelling unit, primarily designed and used or intended to be used for sleeping purposes, excluding living rooms, family rooms, kitchens, bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, garages, closets and storage space. Living rooms and/or family rooms may be utilized for sleeping if, and only if, permanent sleeping furniture is provided such as a sleeper sofa. A couch/sofa and/or pull-out couch/sofa can be used for occupants 13-18 years and under, as cited in 30.90.8.b.1.c.

(g) "Transient Occupants" means any person, or guest or invitee of such person, who occupies or is in actual or apparent control or possession of residential property for a period of less than 30 days, registered as required pursuant to this Article Section Ordinance to be registered as, a Transient Rental. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the Transient Rental is a Transient Occupant. As used in this Ordinance, a tenant, or group of tenants, are defined as transient occupant(s) or guests.

(h) "Vacation Rental/Transient Rental". Section 509.013(4)(a), Florida Statutes State Statute 509.103 defines Vacation Rentals and Transient Public Lodging Establishments Rentals as follows: Paragraph (4)(a) "Public lodging establishment" includes a transient public lodging establishment as defined in subparagraph (ia).

(ia) "Transient public lodging establishment" means 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 times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

(ii) b) The definition contained in subsection (ia) shall apply to any individually or collectively owned RSF zoned single-family home, irrespective of the number of bedrooms, that is rented to Transient Occupants (guests) more than three (3) times in a calendar year for periods of less than thirty (30) days, or which is advertised or held out to the public as a place regularly rented to Transient Occupants.



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(i) "Tenant," "Tenants," or "Group of Tenants" are defined as transient occupant(s) or guests.

shall mean any individually or collectively owned RSF-zoned single-family home, irrespective of the number of bedrooms, that is rented to Transient Occupants more than three (3) times in a calendar year for periods of less than thirty (30) days, or which is advertised or held out to the public as a place regularly rented to Transient Occupants.

30-90.2. Registration Required

(a) It is unlawful for any person to allow another person to occupy any residential property that is a single-family, RSF zoned, house or dwelling unit as a Transient Rental within the City of Marco Island, or offer such property for rent as a Transient Rental within the City of Marco Island, unless the person has registered the property as a Transient Rental property with the City of Marco Island, or Designee, and the Transient Rental property has been issued a Certificate of Transient Rental Compliance in accordance with the provisions of this Article Ordinance Section.

(b) An application for registration as a Transient Rental is deemed pending when the application has been filed, all applicable fees have been paid to the City pursuant to Section 30-90.3, Code of Ordinances of the City of Marco Island, Florida, a Certificate of Transient Rental Compliance has not been issued for the property and the application has not been rejected. A registration application rejected as incomplete is not pending. Notwithstanding subsection (a) above, a person may allow another person to occupy a residential property, for which a Certificate of Transient Rental Compliance has not been issued, as a Transient Rental, when an application is pending if:

- (1) The residential property has an effective and valid license as a Transient Rental classification of public lodging establishment issued by the Florida Department of Business and Professional Regulations prior to November 1, 2022; and
- (2) The residential property is not in violation of any section of the Code of Ordinances of the City of Marco Island; and
- (3) An application for registration of the residential property as a Transient Rental has been filed pursuant to Section 30-90.3 and all applicable fees have been paid; and
- (4) That said occupancy of the Transient Rental was scheduled prior to August 15, 2022 November 1, 2022, as evidenced by a written and validly executed rental-transient occupancy agreement or contract provided to the City Manager, or his/her Designee, no later than November 15, 2022.
- (5) The residential property has no fines or liens, payable to the City of Marco Island, outstanding at the time of Application.
- (6) Transient Rental shall be registered annually on or before September 30<sup>th</sup> the thirtieth (30th) day of September.



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30-90.3. Application for Transient Rental Registration

(a) A separate application for registration of a Transient Rental shall be made to the City Manager or his/her designee for each dwelling unit, as the term is defined in Section 30-90.1 of the City of Marco Island, Florida, Land Development Code, proposed for use as a Transient Rental and shall set forth at a minimum:

(1i) The legal description of the property offered for rental (i.e., address, lot, block and subdivision name);

(2ii) Name, address, electronic mail address, and phone number of owner of said property; Name, address, electronic mail address, and emergency contact phone number of Responsible Party for said property, which shall be a twenty-four (24) hour, seven (7) days a week contact phone number.

(3iii) That the phone number for the Responsible party will be answered twenty-four (24) hours a day, seven (7) days a week by the Responsible Party.

(4iv) Acknowledgements by owner of the following:

a. That all overnight vehicles associated with the Transient Rental must be parked within a driveway located on the subject property and said driveway is constructed in compliance with the Code of Ordinances of the City of Marco Island.

b. That it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in Section 30-90.9, Transient Rental Noise Control.

c. That the owner shall comply with all applicable City, County, State and Federal laws, rules, Regulations, Ordinances and Statutes.

d. That no solid waste container shall be located at the curb for pickup before 6:00 p.m. of the day prior to pick up, and solid waste container shall be removed before 6:00 pm midnight of the day of pickup;

e. That whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance of a property, or, having been authorized, licensed, or invited, is warned by the owner or lessee, to depart the property and refuses to do so, commits the offense of trespass in a structure or conveyance.

f. That other properties are not jointly shared commodities and should not be considered available for use by transient occupants of the property subject of the application; and

(5v) Proof of owner's current ownership of the property;

(6vi) Proof of registration with the Florida Department of Revenue for sales tax collection (for Collier County Sales Tax); and

(7vii) Proof of licensure with the Florida Department of Business and Professional Regulation for a transient public lodging establishment.

~~(8)~~ (8viii) Minimum Insurance Requirements: Every short-term rental property licensed pursuant to this Section shall continuously maintain liability insurance appropriate to cover the short-term rental use, including any necessary policy



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endorsements, with a minimum of at least \$1 million or solely conduct each short-term rental transaction through a platform that provides equal or greater liability insurance coverage to cover the short-term rental use. Evidence of Insurance: Every applicant shall tender to the City of Marco Island, or Designee, the certificates of insurance certifying that insurance of the types and in the amounts required by this chapter are in full force and effect at all times; and

(9) ~~(9ix)~~ Proof of compliance with Subsection 30-90.8

a. Submission of an incomplete registration application form shall result in rejection of the application.

b. An application for the modification of a Transient Rental registration is required when any of the following changes to the Transient Rental are proposed:

(1) A change in the gross square footage.

(2) A change in the number of bedrooms.

(3) A change in the maximum occupancy.

(4) A change in the number of parking spaces, or a change in the location of parking spaces.

(10) Upon completion of the changes or alterations to the Transient Rental property or the Transient Rental operation the owner shall notify the City, or Designee, within ten (10) days of completion. A new certificate of compliance may be issued if the conditions of Section 30-90.3.a have been met and all required permits have been issued for the changes or alterations.

30-90.4. Fee and Costs for Registration

(a) The City of Marco Island shall charge a fee for Transient Rental Registration Administrative Fee. The Marco Island City Council, upon adoption of this Ordinance, will determine the amount of the Fee, per year, together with a consideration as to whether this fee is refundable or nonrefundable. The Marco Island City Council shall determine the funding method for the Registration Program, and adopt the fee by Resolution. It should be noted that the State of Florida is considering a maximum Registration Fee of \$50 (fifty dollars) per year for all Rental Registrations.

(1.) In addition to the yearly Registration Fee, every Applicant of a Rental Compliance Certificate shall be assessed a non-refundable Program Cost Administration Fee. This annually-imposed Fee is subject to yearly adjustment and will be calculated as the total cost of the Program, including Administrative and Enforcement costs, divided by the number of Transient Rental Homes. This Fee will include the cost of the yearly Fire Inspection fee. Each Fiscal year, the City Manager, Director of Finance and any other Designated Personnel, will determine the new Program Cost Administration Fee that will be adjusted to reflect any shortage or overage for the new Fiscal year. It is the intention



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of the Program to be administered to not generate a profit or loss for the Program. The Marco Island City Council shall determine all funding aspects of the Program, ~~in coordination with the Director of Finance.~~

(2.) The first year ~~Program Cost~~ Administration Fee, shall be determined by the Marco Island City Council, and shall be assessed on per Transient Rental Home basis.

(b) No Registration can be completed if a home has outstanding fees, fines or liens owed to the City of Marco Island for any reason(s). Proof of payment of any outstanding fees, fines or liens shall be submitted prior to the issuance of any Certificate of Transient Rental Compliance.

~~30-90.5. Responsible party~~ ~~Party required~~ Required.

Whenever any property is required to be registered under this ~~Article Ordinance~~ Section, the owner shall appoint a natural person to serve as the Responsible Party for service of notices as are specified herein, and notices given to the Responsible Party shall be sufficient to satisfy any requirement of notice to the owner. An initial Responsible Party shall be designated, and name submitted with the application for registration, and the City Manager or his/her designee shall thereafter be notified of any change of Responsible Party within ten (10) days of such change. Further, it is the affirmative duty of the Responsible Party to:

(a) Provide all guests prior to occupancy of the property with a written summary, printed in the English and Spanish language, of applicable City of Marco Island Ordinances concerning noise, vehicle parking, garbage, and common area usage. The summary shall include citations to the applicable City of Marco Island Ordinances and instructions on how to access the complete written text. The summary shall be posted in the interior of the structure, prominently near the main entrance of the establishment.

(b) Maintain all properties under their control in compliance with the Code of Ordinances of the City of Marco Island, Florida.

(c) See that the provisions of this ~~Article Ordinance~~ Section are complied with and promptly address any violations of this ~~Article Ordinance~~ Section or any violations of law which may come to the attention of the Responsible Party.

(d) Be available with authority to address and coordinate solutions to problems with the transient rental of the property twenty-four (24) hours a day, seven (7) days a week.

(e) Be situated close enough to the property as to be able to respond in person within one (1) hour of being notified by a Transient Rental occupant, law enforcement officer, a City Manager designated Rental Compliance Officer/employee, emergency personnel, or the City, of issues related to the Transient Rental. Responsible party shall respond when requested.

(f) Keep available a register of all current guests, only, which shall be available for inspection by authorized personnel of the City of Marco Island at all times.

(g) Maintain, or arrange for the maintenance, of the entire property free of garbage and litter, provided however, that this subsection shall not prohibit the storage of garbage and litter in authorized receptacles for collection.



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(h) Conduct an on-site inspection of the Transient Rental at the end of each rental period to assure continued compliance with the requirements of this ~~ordinance~~ OrdinanceSection and any applicable state regulations ~~chapter~~.

30-90.6 ~~False Information~~ Information.

It shall be unlawful for any person to give any false or misleading information in connection with the application for registration required by this ~~Article~~ OrdinanceSection. Transient Rental applications shall be sworn to under penalty of perjury. Any owner of any Transient Rental who engages in fraudulent advertising or activity shall be considered as engaging in a violation of this OrdinanceSection. ~~Any false statements made in an application shall be a basis for the revocation of any license issued pursuant to such application.~~

30-90.7 Minimum Requirements for Issuance of a Certificate of Compliance.

The City Manager or his/her designee may issue a Certificate of Compliance to the applicant upon proof of the following:

(a) The owner or Responsible party completes the City of Marco Island -Transient Rental registration application form.

(b) The ~~non-refundable~~ Transient Rental Registration Administrative Fee has been paid to the City of Marco Island.

(c) A signed and witnessed ~~Notarized~~ Responsible Party Authorization Letter (sample provided with Transient Rental Application Form). The Letter will be signed by both the Owner and Responsible Party and both signatures will be witnessed ~~Notarized~~.

(d) A Florida Department of Revenue certificate of registration for purposes of collecting and remitting tourist development taxes, sales surtaxes and/or transient rental taxes.

(e) A Florida Department of Business and Professional Regulation license as a transient public lodging establishment.

(f) An affidavit, demonstrating maintaining initial and on-going compliance with Transient Rental Standards contained herein, plus any other applicable local, State and Federal laws, regulations and standards to include, but not be limited to Chapter 509, Florida Statutes, and ~~Rules~~, Chapter 61C and 69A, Florida Administrative Code, as may be amended from time to time; and

(g) A copy of the form Transient ~~rental/lease~~ Occupancy agreement to be used when contracting with Transient Occupants ~~and guests~~.

(h) That the Transient Rental has satisfied the fire safety inspection requirements, annually, as provided in Section 30-90.8, of the Code of Ordinances of the City of Marco Island.

(h) Submission of the insurance document(s) referenced in Section 30-90.3 ~~30-90.3-a~~ 89.



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(i) That the Transient rental is not subject to a suspension pursuant to Section 30-90.11.

30-90.8. Transient Rental Standards.

The following standards shall govern the use of any transient rental as a permitted use:

(a) Minimum life/safety requirements:

1. Swimming pool, spa and hot tub safety. A swimming pool, spa or hot tub shall comply with the current standards of the "Residential Swimming Pool Safety Act," Chapter 515, Florida Statutes, as may be amended from time to time.
2. Dwelling Units. All dwelling units shall meet the single-family dwelling minimum requirements of Sections 30-81101 through 30-89107 Article VI. Minimum Housing Code, Chapter 9, Buildings and Construction- and Section 30-10, Definitions of a Dwelling, Single Family or One Family of within the Code of Ordinances of the City of Marco Island, Florida, as may be amended from time to time.
3. Smoke and carbon monoxide (CO) detection and notification system. A smoke and carbon monoxide (CO) detection and notification system within the transient rental unit shall be installed, operational and interconnected/hard-wired and receive primary power from the building wiring. The smoke and carbon monoxide (CO) detection and notification system will be continually maintained and tested consistent with the requirements of Section R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code – Residential.
4. Fire extinguisher. A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each floor/level of the unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.
5. That all overnight vehicles associated with the Transient Rental must be parked within a garage and/or on a driveway located on the subject property and in compliance with the Code of Ordinances of the City of Marco Island.
6. Local phone service. At least one landline telephone with the ability to call 911 shall be available in the main level common area in the Transient Rental.
7. Included in the yearly Registration Fee described in Section 30-90.4 is the cost of a Marco Island Fire Department, Fire Safety inspection. This inspection shall be conducted by a City of Marco Island Licensed Fire Inspector and shall be



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completed in accordance with any applicable state and local fire safety regulations.

This inspection, and any required corrections/modifications must be completed prior to the issuance of a Transient Rental Certificate of Compliance.

~~Also required on a yearly basis, is a safety inspection by a City of Marco Island Designated/Authorized Inspector. This inspection, and any required corrections/modifications must be completed prior to the issuance of a Transient Rental Certificate of Compliance.~~

(b) Maximum occupancy. The occupancy of a Transient Rental shall not exceed:

1. Two (2) persons per Sleeping (Bedroom) Room. The number of Bedrooms ~~is reflected~~ shall match the building plans or records if no plans exist records of the Collier County Property Appraiser's Office (via cross-referencing Building Permit look-up) and shall be used in determining the number of Sleeping Rooms at the Transient Rental. Any advertisement or hold out for rental of the transient property must reflect and match the number of Bedrooms on record with the City of Marco Island Building Department or Collier County.

2. The maximum number of persons allowed to gather at a Transient Rental shall not exceed one and one-half times the maximum ~~ADULT~~ occupants authorized to stay overnight at that site, as shown on the Certificate of Compliance, and in no event shall a gathering exceed 20 persons. After 10 pm, the number of occupants shall not exceed the maximum occupancy described in 30-90.8-(b)1, above plus a maximum of two (2) additional persons. ~~4 persons under the age of 13 years. By way of example only, the maximum number of occupants past 10 pm in a three-bedroom house is eight (8).~~

This subsection a shall not apply to owner-occupied Transient Rentals when the property owner is physically present on the site during the gathering.

3. Up to ~~four (4)~~ two (2) persons ~~under 13 years of age~~ are exempt from and shall not count towards the occupancy limits set in subsections ~~8(b)21a. and b.~~ above.

(c) Solid waste handling and containment. City solid waste containers shall be provided ~~as required~~. Appropriate screening and storage requirements for solid waste containers shall apply per any development approval. For purposes of this section, a solid waste container shall not be placed at curbside before 6:00 p.m. of the day prior to solid waste pickup, and the solid waste container shall be removed from curbside before midnight of the day of pickup.

(d) Minimum transient ~~rental/lease occupancy~~ agreement wording. The transient ~~rental/lease occupancy~~ agreement shall contain the minimum information as provided for in ~~this~~ subsections 30-90.8 (b), (de), and (e). The transient occupant responsible for all guests and occupancy payments will sign the transient occupancy agreement



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acknowledging the rules. The wording of such an agreement shall contain a clause indicating that the occupant(s) acknowledge the rules and will agree to vacate the premises in the event of a violation of this OrdinanceSection upon request by the Owner or Responsible Party and whereas any such vacation shall occur not more than 12 hours upon such request.

(d)(e) Minimum transient rental-lessee-occupancy information. The transient rental lessee occupants shall be provided with a summary of the information required in the agreement described in subsection 30-90.8-(d) with instructions on how to access the full text and the Owner shall post the following conspicuously within the establishment:

1. A statement advising the Occupant that any sound shall not be plainly audible for a period of one (1) minute or longer at a distance of twenty-five (25) feet or more when measured from the source property line between the hours of 10:00 p.m. and 7:00 a.m. daily and at a distance of fifty (50) feet or more when measured from the source property line between the hours of 7:00 a.m. and 10:00 p.m. daily.

2. The parking restrictions for occupant vehicles

3. Any applicable boat storage and docking regulations and restrictions

4. A sketch or photograph of the location of the off-street parking spaces.

5. The days and times of trash pickup.

6. The notice of sea turtle nesting season and sea turtle lighting regulations, if applicable.

7. The location of the nearest hospital; and

8. The City's non-emergency police phone number.

9. There shall be posted, in a conspicuous location next to the interior door of each bedroom a legible copy of the building evacuation map - Minimum 8-1/2" by 11".

(f) Designation of a transient rental responsible party capable of meeting the duties provided in subsection 30-90.5.

(g) Advertising. Any advertising of the transient rental unit shall conform to information included in the Transient Rental Certificate of Compliance and the property's approval, particularly as this pertains to maximum occupancy. A statement stating "it is unlawful for a sexual offender or sexual predator to occupy this residence" if so determined pursuant to subsection 30-90.8.h of this code and the Certificate of Compliance number shall be included in all advertising.



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(h) Sexual offenders and sexual predators. It is unlawful for any property owner or designated representative to allow another person to occupy any residential property as a Transient Rental within the City of Marco Island, as a Transient Occupant if such property owner or designated representative knew or should have known that it will be occupied by a person prohibited from establishing a permanent residence or temporary residence at said residential property pursuant to the Marco Island Code of Ordinances, Section 18-200, if such place, structure, or part thereof, trailer or other conveyance, is located within two thousand five hundred feet ~~one thousand four hundred (1,400,500)~~ feet of any school, designated public school bus stop, child day care facility, park or playground or other place where children regularly congregate. Property owner or designated representative shall determine prior to submission of an application for a Certificate of Compliance whether the Transient Rental property is located in an area unlawful sexual offenders or sexual predators to occupy pursuant to section 18-200 of the Marco Island Code of Ordinances.

(i) Posting of Certificate of Compliance. The Certificate of Compliance shall be posted on the back of or next to the interior of the main entrance door and shall include at a minimum the name, address and phone number of the Responsible party, the maximum occupancy of the Transient Rental and a statement stating "it is unlawful for a sexual offender or sexual predator to occupy this residence" if so determined pursuant to subsection 30-90.8.h.

(j) That all overnight vehicles associated with the Transient Rental must be parked within a garage or on the subject Transient Rental driveway in compliance with the Code of Ordinances of the City of Marco Island.

(k) Other standards. Any other standards contained with the Code of Ordinances of the City of Marco Island to include, but not be limited to: Transient Rental noise, setbacks, stormwater and similar provisions.

~~As a general policy, tenants and their guests are required to adhere to a "good neighbor" Code of Conduct Policy by which they will be respectful of their neighbors and not disrupt the peace and tranquility of their neighbors; not make raucous, loud, or unnecessary noise at any time; not allow drunken, disorderly, or intoxicated conduct on the short-term rental dwelling property; and not violate parking or occupancy restrictions. The owner shall provide a copy of the Code of Conduct "good neighbor" Policy to all tenants at the commencement of rental occupancy of a dwelling~~

30-90.9. Transient Rental Noise Control

(a) Notwithstanding existing Noise Regulations contained in Article IV, Section 18, of the Marco Island Code of Ordinances, the use of a RSF property as a Transient Rental is a "public lodging" use of a home in a residential neighborhood. As such, a much



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stricter/quieter set of noise parameters must be defined for this application. For any RSF property being used as a Transient Rental, the Noise Regulations shall be defined as:

- (b) Any sound shall not be plainly audible for a period of one (1) minute or longer at a distance of twenty-five (25) feet or more when measured from the source property line between the hours of 10:00 p.m. and 7:00 a.m. daily and at a distance of fifty (50) feet or more when measured from the source property line between the hours of 7:00 a.m. and 10:00 p.m., daily."
- (c) For all other Noise applications, Article IV of the Marco Island Code of Ordinances shall apply.

30-90.10 Expiration of Registration and Certificates of Compliance

(a) All registrations for which a certificate of compliance has been issued under the provisions of this Article OrdinanceSection shall be valid for no more than one year, and all registrations and certificates of compliance shall expire on September 30th of each year. The application for renewal must be submitted no later than sixty (60) days prior to the September 30th expiration date. Dates for renewal and applicable late renewal fees shall be established by resolution of the City Council of the City of Marco Island, or Designee, in accordance with Section 30-90.4.a.1 and shall be charged to an application for renewal submitted prior to the expiration date but after the sixty (60) days required by this section. All applications for renewal received after September 30 shall be processed as a new application and subject to all applicable fees.

Revocation, 30-90.11 Penalties and Offenses, and Revocation

(a) Any Certificate of Rental Compliance issued pursuant to this Article OrdinanceSection may be denied, revoked, or suspended by the Magistrate pursuant to per Section 11(d) of this OrdinanceSection. City Manager or his/her designee upon the adjudication of a violation of this Article Ordinance, any City of Marco Island Ordinance, or State law by the Responsible party, property owner or Transient Occupant attributable to the property for which the Certificate of Compliance is issued. Such denial, revocation or suspension is in addition to any penalty provided herein.

(a)(b) Offenses/violations.

(1) Non-compliance with any provisions of this Article OrdinanceSection shall constitute a violation of this Article OrdinanceSection.

(2) Separate violations. Each day a violation exists shall constitute a separate and distinct violation, except that occupancy violations of subsection 30-90.8.b. regarding occupancy and parking violations of subsection 30-90.3.a.5.a regarding parking shall constitute a single violation for a rental period.

(c) Remedies/enforcement.

(1) Violations of this Article OrdinanceSection shall be subject to penalties as part of a progressive enforcement program with the primary focus on compliance and compatibility with adjoining properties, versus penalties and legal actions. To accomplish a safe and effective transient rental program it is key that transient rental Responsible



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Parties are responsive and responsible in the management of the property for compliance with this section.

Any person, persons, ~~STR~~ Transient Rental owner, guilty of violating any of the provisions of this ~~Ordinance~~ Section shall be deemed guilty of a civil infraction. The amount of the civil penalty may be up to \$250.00 for the first violation, up to \$500.00 for the second violation within a 24 month period, up to \$1,000.00 for the third violation within a 24 month period, up to \$2,000.00 for the fourth violation within a 24 month period, up to \$4,000.00 for the fifth violation within a 24 month period, and up to \$5,000.00 for the sixth and any subsequent violations within a 24 month period. ~~for the first uncontested violation shall be \$200.00 and for the first contested violation the penalty shall be \$275.00. Second violations shall be assessed \$500.00 for an uncontested violation and \$650.00 for a contested violation. Third violations shall be assessed \$1000.00 for an uncontested violation and \$1300.00 for a contested violation. These amounts are fixed fines, not subject to reduction by a Magistrate.~~

(2) Any person who operates a Transient Rental and fails to register as required in Sections 3 and 4 of this ~~Ordinance~~ Section shall be subject to a daily fine of \$1,000.00 for each day the Transient Rental is operated without a valid Transient Rental Certificate of Compliance.

~~(2)-(3)~~ Additional remedies. Nothing contained herein shall prevent the City of Marco Island from seeking all other available remedies which may include, but not be limited to, suspension ~~or revocation~~ of a Transient Rental Certificate of Compliance, injunctive relief, liens and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

(d) Suspension of Transient Rental Certificate of Compliance. In addition to any fines and any other remedies described herein or provided for by law, a ~~special~~ magistrate shall suspend a Transient Rental Certificate of Compliance in accordance with the following:

(1) Suspension time frames.

a. Upon a fourth violation of this ~~Article~~ Ordinance ~~Section~~ within 24 months the Transient Rental Certificate ~~shall~~ may be suspended for a period of up to one hundred eighty (180) calendar days at the discretion of the magistrate.

b. Upon a fifth violation of this ~~Article~~ Ordinance ~~Section~~ within 24 months the Transient Rental Certificate ~~shall~~ may be suspended for a period of up to three hundred sixty-five (365) calendar days at the discretion of the magistrate.

c. For each additional violation of this ~~Article~~ Ordinance ~~Section~~ within 24 months the Transient Rental Certificate ~~shall~~ may be suspended for a period of up to an additional thirty (30) calendar days at the discretion of the magistrate, up to a maximum period of twelve (12) months. For example, the sixth violation shall be for three hundred ninety-five (395)



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calendar days; the seventh violation shall be for four hundred fifteen (415) calendar days, and so on.

d. A Transient Rental Certificate of Compliance shall be subject to temporary suspension beginning five (5) working days after a citation is issued for a violation of the Florida Building Code, or Florida Fire Prevention Code. Such suspension shall remain in place until the transient rental is reinspected and it is determined that the violation no longer exists by the City, in accordance with d.2, below.

(2) Suspension restrictions. A transient rental may not provide transient or long-term rental occupancy during any period of suspension of a Transient Rental certificate. This provision shall not prevent a Transient Rental owner from exercising a long-term rental (any rental 30 continuous days or more) during a suspension period. However, in the event a transient occupant does not occupy the Transient Rental for at least 30 continuous days, the Transient Rental owner cannot initiate a new rental lease until the full 30-day period has elapsed. A Transient Rental that enables and executes Transient Rental occupancy for any period less than 30 continuous days during a suspension period shall be considered to be in violation of this OrdinanceSection and shall be subject to the enforcement penalties of this section.

a. The suspension shall begin immediately following notice, commencing either;

- i. at the end of the current transient rental lease period; or
- ii. within thirty (30) calendar days, whichever date commences earlier, or as otherwise determined by the Magistrate.

b. Operation during any period of suspension shall be deemed a violation pursuant to this OrdinanceSection and shall be subject to daily fine, up to One Thousand Dollars (\$1,000.00) or to the maximum amount as otherwise provided in Florida Statutes for repeat violations, for each day that the transient rental operates during a period of suspension.

c. An application for a renewal may be submitted during the period of suspension; however, no Certificate of Compliance may be issued for the transient rental until the period of suspension has expired.

d. A Transient Rental Certificate of Compliance cannot be reinstated from suspension if any fines, liens, fees are outstanding and due to the City of Marco Island.

e. In accordance with Section 30-90.2.a, any Transient Rental property where the Transient Rental Certificate of Compliance has been suspended, is not legally eligible to be advertised as a short-term rental property during the period of suspension. The City of Marco Island, or Designee, will notify the Responsible Party with regard to a suspension. agencies such as Airbnb, Craigs List and VRBO and local newspapers with regard to any suspensions (addresses and Certificate numbers). As a matter of information only, these agencies have agreed to not advertise properties that have suspended Certificates and/or are not legal rentals.



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(a) Whenever a violation of this OrdinanceSection occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the City Manager or his/her designee. The City Manager or his/her designee shall promptly record such complaint, investigate, and take action thereon in accordance with this OrdinanceSection.

(b) -a. A Violation and/or complaint may also be filed by telephone directly to the City of Marco Island, or Designee, Rental Hotline. This number will be published, when operational, on the City website and via local newspapers. Operation of the Hotline will be determined by the City Manager and/or his or her Designee..

30-90.13 Enforcement.

The provisions of this OrdinanceSection shall be enforced as provided in Section 14 - Code Enforcement, of the Code of Ordinances of the City of Marco Island, Florida.

30-90.14 Rental Registration Program Administration.

The Marco Island City Council shall be responsible for the implementation and funding for the Program described in this Ordinance.

30-90.15 Rental Registration Program Subordination.

(a) Upon any determination that Short Term Rentals are illegal on Marco Island, this OrdinanceSection shall not apply for any such illegal rental(s) and the illegal rental(s) shall cease to operate in accordance with the provisions herein.

(b) However, in the event that any other rental in the RSF district that is not deemed illegal and that is defined by Florida State Statutes as a "Public Lodging Establishment" or any transient rental that is not a primary or principal residence of the renting party, any such rental shall be governed and regulated by this OrdinanceSection.

(c) In the event that the City of Marco Island determines that Short Term Transient Rentals are not allowed in RSF zoning, no new Transient Rental Compliance Certificates will be issued, and the Rental Registration Program will be discontinued as of September 30<sup>th</sup> -~~September~~ of the year such rental ban is determined. Transient Rentals will be allowed, in accordance with Section 30-90 of the Marco Island Code of Ordinances until September 30<sup>th</sup> -~~September~~ of the year of the Short Term Rental ban.

SECTION 3. Severability / Interpretation.

(a) If any term, section, clause, sentence or phrase of this Ordinance is for any reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the other remaining terms, section, clauses, sentences, or phrases or portions of this Ordinance, and this Ordinances shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision clause, sentence, or section did not exist.



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(b) In interpreting this Ordinance, underlined words indicate additions to existing text, and stricken through words include deletions from existing text. Asterisks (\*\*\*\*) indicate a deletion from the Ordinance of text, which continues to exist in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

**SECTION 4. Conflicts.** All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are hereby superseded and resolved to the extent of any conflict in favor of the provisions of this Ordinance. All ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

**SECTION 5. Codification.** It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code of the City of Marco Island, and that the sections of this Ordinance may be renumbered to accomplish such intent.

**SECTION 6 4. Effective Date.** This ordinance-Ordinance shall take effect immediately upon its passage on second and final reading of the Marco Island City Council.

~~SECTION 7 5.~~ The Ballot Title of this Ordinance is "Rental Registration Program for RSF Properties in the City of Marco Island"

~~Section 6.~~ In accordance with Florida Statute 1016.161(1), the Ballot Summary (for Ballot use only) is provided for the subject Ordinance as "Shall the City of Marco Island enact an Ordinance adding to the Land Development Code of the Code of Ordinances, in Article II, Zoning, Section 30-90, creating a self-financed Transient (Vacation) RSF Rental Registration Program; creating definitions; conditions requiring registration and application requirements; defining requirements and qualification for Responsible Party; rental standards and inspections; renewal process; violation penalties including fines and/or the suspension of Registration Compliance Certificate"

Yes ( )

NO ( )

PASSED AND ADOPTED in regular session on second and final reading on this \_\_\_\_\_ day of 2022.

ATTEST:

City Clerk \_\_\_\_\_

First Reading \_\_\_\_\_



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Second Reading \_\_\_\_\_

Approved as to form and legal sufficiency: \_\_\_\_\_

**ATTEST:** **CITY OF MARCO ISLAND, FLORIDA**

By: \_\_\_\_\_ By: \_\_\_\_\_  
Michael Sheffield, City Clerk Erick Brechnitz, Chair

Approved as to form:

By: \_\_\_\_\_  
Alan L. Gabriel, City Attorney