

ORDINANCE NO. 13-13

AN ORDINANCE OF THE CITY OF MARCO ISLAND REVISING CHAPTER 14, SECTION 14-32 AMENDING THE DEFINITION OF VIOLATOR TO INCLUDE PROPERTY OWNER; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166 of the Florida Statutes, provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 1.01 of the Marco Island City Charter empowers the city to adopt, amend, or repeal ordinances, resolutions, and codes as may be required for the good governing of the City; and

WHEREAS, the City Council passed Ordinance 98-4, establishing the Marco Island Code Enforcement Board on June 1, 1998; and

WHEREAS, Ordinance 98-4 has been codified in Chapter 14, Article II of the City Code; and

WHEREAS, the City Council desires to revise the definition of violator contained in Chapter 14, Section 14-32 amending the definition of *Violator* to include property owner.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Marco Island, Florida that:

Section 1. Purpose and Intent.

Chapter 14, Section 14-32, is amended as follows:

Sec. 14-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City attorney means the legal counsel to the council.

Clerk to the code enforcement board means the clerk to the city council, or the designee of such person, who shall be responsible for minutes and other records of a code enforcement board and such other matters as provided for in this article.

Code enforcement official means any authorized agent or employee of the city whose duty it is to ensure code and ordinance compliance, and who is responsible for the enforcement or implementation of codes and ordinances of the city.

Enforcement board means the city code enforcement board.

Hold-over term means the continuation of an expired term of a code enforcement board member who, prior to the expiration date of such member's term, presided over the presentation of a case hearing that had not reached conclusion with a final vote by the time of the expiration date of such term. Such continuation of a member's expired term shall be extended for the limited time and for the limited purpose of presiding over such particular case until conclusion and final vote and the time for rehearing has passed. If a rehearing is granted, such member's term shall continue for the limited time and limited purpose to rehear the matter and reach a conclusion by final vote.

Person means an individual, association, firm, partnership, corporation, or other legal entity recognized under the laws of the state.

Violator means a person alleged to, or who has been found to, have violated any ordinance or code of the city, including the owner of the property upon which the violation has occurred, which a code enforcement board has jurisdiction to enforce.

Section 2. Incorporation, Conflict and Severability.

(1) 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 Code of Ordinances of the City of Marco Island, Florida.

(2) All sections or parts of sections of the Code of Laws and Ordinances of Collier County, Florida, all Collier County Ordinances or parts of ordinances and all Collier County Resolutions or parts of resolutions made applicable by the City Charter in conflict herewith are hereby repealed to the extent of such conflict.

(3) If any word, phrase, clause, subsection, or section of this ordinance is for any reason held unconstitutional or invalid by a court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of the ordinance.

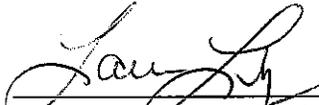
Section 3. Effective Date.

This ordinance shall take effect immediately upon adoption by the Marco Island City Council.

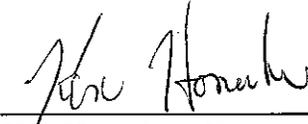
Passed in open and regular session of the City Council of the City of Marco Island, Florida, this
4th day of November, 2013.

Attest:

CITY OF MARCO ISLAND, FLORIDA

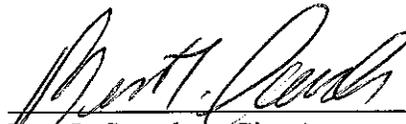


Laura Litzan, City Clerk

BY: 

Ken Honecker, Chairman

Approved as to form and
legal sufficiency:



Burt L. Saunders, City Attorney

EXHIBIT A

Chapter 14 CODE ENFORCEMENT

ARTICLE II. CODE ENFORCEMENT BOARD

Sec. 14-32. Definitions.

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