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RESOLUTION 15- 31

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, ESTABLISHING AND ADOPTING THE SCHEDULE OF CIVIL PENALTIES AND FINES FOR ENFORCEMENT OF THE CITY'S CODE OF ORDINANCES UTILIZING THE CIVIL VIOLATION CITATION PROCEDURE; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on December 1, 2014, the City Council of the City of Marco Island, Florida, ("City Council") adopted Ordinance Number 14-14 (the "Code Enforcement Ordinance"), which sets forth the procedures for enforcement of the City's Code of Ordinances (the "City Code"); and

WHEREAS, the Code Enforcement Ordinance authorizes code enforcement officers to issue citations, notices of violations, and notices to appear for civil violations that are reasonably believed to be violations of the City Code; and

WHEREAS, Section 4-6 of the Code Enforcement Ordinance provides that the Council shall establish, by resolution, civil penalties with fines that list the sections of the City Code which may be enforced pursuant to the Code Enforcement Ordinance and prescribe the dollar amount of the civil penalty for the violation of the City Code sections; and

WHEREAS, the City Council desires to establish and adopt the Schedule of Civil Penalties and Fines, attached as Exhibit A".

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

SECTION 1. Recitals.

The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true, correct and reflective of the legislative intent underlying this Resolution and are hereby made a specific part of this Resolution.

SECTION 2. Adoption.

The Schedule of Civil Penalties and Fines, attached as Exhibit "A", is hereby established and adopted in accordance with Section 4-6 of the Code Enforcement Ordinance.

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SECTION 3. Violation Type Descriptions.

The City Manager is hereby authorized to make modifications to the "Violation Type" descriptions set forth in the attached Schedule of Civil Penalties and Fines, as may be necessary for clarification from time to time.

SECTION 4. Conflicts.

That all prior resolutions or parts of resolutions, insofar as they are inconsistent or in conflict with the provisions of this Resolution, are hereby repealed.

SECTION 5. Severability.

If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered eliminated and will in no way affect the validity of the other provisions of this Resolution.

SECTION 6. Effective Date.

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

The foregoing Resolution was adopted this 6th day of April 2015.

CITY OF MARCO ISLAND, FLORIDA

By: 
Larry Sacher, Chairman

Attest:



Laura M. Litzan, City Clerk

Reviewed for legal sufficiency:



Alan L. Gabriel, City Attorney

Exhibit "A"
SCHEDULE OF CIVIL PENALTIES AND FINES

The tables below set forth the sections of the City of Marco Island Code of Ordinances (the "City Code") that may be enforced pursuant to the provisions of the City Code and provisions of applicable general law, along with the dollar amount of the civil penalties for the violation of the applicable City Code sections. In the event the specified violations are prosecuted before a Special Magistrate, the Special Magistrate shall use the fine amounts herein as a guideline and may deviate from the specified fine amounts in the event the Special Magistrate deems the circumstances to require a deviation based on factors including (i) the gravity of the violation, (ii) any actions taken by the violator to correct the violation, and (iii) any previous violations committed by the violator.

The "Violation Type" listed in the table below is for informational purposes only and is not meant to limit or define the nature of the violations or the subject matter of the specified City Code sections, except to the extent that different types of violations of the same City Code section may be subject to different civil penalties.

A Code Enforcement Officer, the City's Special Magistrate, or a court of competent jurisdiction may determine the penalty or fine amount for any violation of the Administrative Construction Code. The violator is still required to pay all permit, inspection and review fees in accordance with the applicable section of City Code.

For each City Code section listed in this schedule of civil penalties and fines, the entirety of that section of the City Code may be enforced by the mechanisms provided in Chapter 14, regardless of whether all activities proscribed or required within that particular section are described in the "Violation Type" column. To determine the exact nature of any activity proscribed or required by the City Code, the relevant City Code section should be examined.

Administrative Fee

If a violator of the City Code appeals a citation issued by the City and is found in violation by the Special Magistrate, in addition to the imposition of a fine, the violator shall be assessed an administrative fee of fifty dollars (\$50.00). The administrative fee set forth in this Schedule shall apply to all City Code violations, regardless of the specified violation type.

CODE ENFORCEMENT VIOLATIONS INCURRING CIVIL PENALTIES

Minimum Fine

For any violation of the City Code where the fine amount is not specified, a fine of one hundred dollars (\$100) shall be assessed as a civil penalty.

Seawalls and Retirements

CODE	VIOLATION TYPE	FINE
6-83	Failed Seawall or Retirement	\$100
6-85	Technical Specification	\$100
6-87	Manufacture on Vacant Lots	\$100

Administrative Construction Code

CODE	VIOLATION TYPE	FINE
6-111	Administrative Construction Code	\$50-\$500

Building

CODE	VIOLATION TYPE	FINE
6-111		
104.4.1	Misrepresentation of application to the Building Official	\$250
104.1.2	Violation of provisions to the Building Codes	\$250
104.5	Failure to correct an unsafe building	\$250
105.2.3	Failure to apply for a permit or start work before a permit is issued	\$250
105.3.8	Work commencing without a licensed contractor	\$250
105.4.1.1	Working without an active permit	\$250
105.5.3	Continuing to work after a stop work order has been posted	\$500
105.16.2	Pool barrier protection not maintained	\$250
105.18	Failure to maintain dust control	\$100

Outdoor lighting

CODE	VIOLATION TYPE	FINE
6-145	Maximum Lighting Level	\$100
6-146	Shielding	\$100

Marco Island Lawn & Landscape Maintenance Certification Regulations

CODE	VIOLATION TYPE	FINE
8-73	Regulated Activities	\$100
8-74	Certification Process	\$100
8-75	Duration, Renewal	\$100
8-76	Duty to Carry Certificate	\$100
8-77	Fees	\$100
8-78	Revocation	\$100

Code Enforcement Citations

CODE	VIOLATION TYPE	FINE
14-32	Definition; Amendment	\$100
14-75	Civil Infractions	\$100
14-76	Issuance of Citation	\$100

Environmental

CODE	VIOLATION TYPE	FINE
18-33	Penalties & Remedies	\$100
18-34	Finding of Article	\$100
18-36	Prohibited Activities	\$100
18-37	Abatement of Nuisance	\$100
18-40	Enforcement Procedure	\$100
18-104	Noise	\$250

SECTION 30: LAND DEVELOPMENT CODE INCURRING CIVIL PENALTIES

CODE	VIOLATION TYPE	FINE
Residential Single Family	RSF	
30-82	Permitted Uses	\$100
30-83	Accessory Uses	\$100
30-84	Conditional Uses	\$100
30-85	Dimensional Standards	\$100
30-86	Supplemental Standards	\$100
30-87	Minimum Landscaping	\$100
30-88	Structural & Site Design	\$100

Residential Multiple Family	RMF-6	
30-102	Permitted Uses	\$100
30-103	Accessory Uses	\$100
30-104	Conditional Uses	\$100
30-105	Dimensional Standards	\$100
30-106	Parking, Landscaping	\$100
Residential Multiple Family	RMF-12	
30-122	Permitted Uses	\$100
30-123	Accessory Uses	\$100
30-124	Conditional Uses	\$100
30-125	Dimensional Standards	\$100
30-126	Parking, Landscaping, Loading	\$100
Residential Multiple Family	RMF-16	
30-142	Permitted Uses	\$100
30-143	Accessory Uses	\$100
30-144	Conditional Uses	\$100
30-145	Dimensional Standards	\$100
30-146	Parking, Landscaping, Loading	\$100
Residential Tourist	RT	
30-162	Permitted Uses	\$100
30-163	Accessory Uses	\$100
30-164	Conditional Uses	\$100
30-165	Dimensional Standards	\$100
30-166	Parking, Landscaping, Loading	\$100
Commercial	C-1	
30-182	Permitted Uses	
30-183	Accessory Uses	\$100
30-184	Conditional Uses	\$100
30-185	Dimensional Standards	\$100
30-186	Parking, Landscaping, Loading	\$100
Commercial	C-2	
30-202	Permitted Uses	\$100
30-203	Accessory Uses	\$100
30-204	Conditional Uses	\$100
30-205	Dimensional Standards	\$100
30-206	Parking, Landscaping, Loading	\$100

Commercial	C-3	
30-222	Permitted Uses	
30-223	Accessory Uses	\$100
30-224	Conditional Uses	\$100
30-225	Dimensional Standards	\$100
30-226	Parking, Landscaping, Loading	\$100

Home Occupation

CODE	VIOLATION TYPE	FINE
30-404	Permitted & Prohibited Uses	\$100
30-405	Conditions	\$100
30-406	Notice to discontinue	\$100
30-407	Compliance Regulations	\$100

Landscaping

CODE	VIOLATION TYPE	FINE
30-433	Landscaping & Irrigation Plan	\$100
30-434	Pruning & Maintenance	\$100
30-435	Plant Material & Standards	\$100
30-436	Existing Plant Material	\$100
30-438	Site Distance Triangles	\$100
30-439	Minimum Landscaping Required	\$100
30-440	Minimum Landscaping Required	\$100
30-441	Buffering & Screening	\$100

Signage

CODE	VIOLATION TYPE	FINE
30-522	Temporary Signs	\$100
30-523	Signs Residential	\$100
30-524	Signs Commercial	\$100
30-527	Prohibited Signs	\$100

Temporary Use Permit

CODE	VIOLATION TYPE	FINE
30-791	Purpose & Intent	\$100
30-793	Construction Temp Use	\$100
30-794	Model Home & Sales Center	\$100
30-795	Temporary Sales	\$100
30-796	Community Special Events	\$100
30-797	Motion Picture Permit	\$100
30-798	Penalties Noncompliance	\$100

Supplemental District Regulations

CODE	VIOLATION TYPE	FINE
30-1001	Visibility at Intersections	\$100
30-1007	Parking & Storage Vehicles	\$100
30-1009	Fences	\$100
30-1012	Solid Waste Disposal	\$100
30-1015	Deed Restrictions	\$100
30-1017	Prohibited Animals	\$100
30-1024	Flagpoles	\$100

Sidewalks

CODE	VIOLATION TYPE	FINE
42-32	Purpose & Intent of Article	\$100
42-34	Requirements of New	\$100
42-35	Sidewalk at Intersections	\$100
42-36	Duty of Abutting Sidewalk	\$100
42-37	Duty of Abutting Driveway	\$100

Stopping, Standing and Parking

CODE	VIOLATION TYPE	FINE
50-37	Prohibited Parking	\$95
50-38	Handicapped Parking	\$250
50-39	Violations	\$100
50-40	Issuance of Parking Citations	\$100

Beach Management & Vessel Control

CODE	VIOLATION TYPE	FINE
54-33	Penalties, Suspensions	\$100
54-35	Applicability of Article	\$100
54-36	Use & Conduct on Beach	\$100
54-36.1	Beach Permits	\$100
54-38	Concession Operations	\$100

Vehicles on Beach

CODE	VIOLATION TYPE	FINE
54-62	Penalties	\$100
54-64	Applicability of Article	\$100
54-65	Driving on Sand Dunes	\$100

Permits for Beach

CODE	VIOLATION TYPE	FINE
54-81	Exemptions	\$100
54-82	Vehicles Requiring Permit	\$100
54-83	Application Fee	\$100
54-84	Conditions	\$100
54-85	Temporary Permit	\$100
54-86	Expiration	\$100
54-87	Restrictions Sea Turtle	\$100

Docking Facilities

CODE	VIOLATION TYPE	FINE
54-101	Definitions	\$100
54-110	Permitted Accessory Use	\$100
54-111	Dimensional Standards	\$100
54-112	Additional Requirements	\$100
54-113	Permit & Construction Req.	\$100
54-114	Minor After Fact Encroachments	\$100
54-115	Boat Dock Extensions	\$100
54-115	Boathouses	\$100
54-116	Manatee Protection	\$100

Sea Turtle Protection

CODE	VIOLATION TYPE	FINE
54-144	New Development	\$500
54-145	Existing Development	\$500
54-146	Publicly-Owned Lighting	\$500
54-147	Unlawful to kill, molest	\$500
54-148	Construction during nesting	\$500
54-149	Violations	\$100

SECTIONS 22-31 - 22-32 FIRE CODE VIOLATIONS INCURRING CIVIL PENALTIES

VIOLATION TYPE	CODE	DESCRIPTION	FINE
	22-31	2014 Edition of NFPA 101, Life Safety Code	
	22-32	Local Amendments to NFPA 1	
100 Storage			
101	22-32	Improper Storage of Combustible Materials	\$75
102	22-32	Improper Storage of Flammable Liquids	\$100
103	22-32	Compressed Gas Cylinders not secured	\$75
104	22-32	No Placards on Tanks or Cylinders	\$75
105	22-32	Other Unsafe Storage Practices	\$50
106	22-32	LP Tanks Greater than 2.5 lbs.	\$75
107	22-32	Stairs Used for Storage	\$75

200 Disposal			
201	22-32	Spilled or Leaking Fuel/Chemicals	\$100
202	22-32	Accumulation of Rubbish or Combustibles in Structure	\$200
203	22-32	Accumulation of Flammable Liquids in Structure	\$75
204	22-32	Accumulation of Rubbish or Combustibles Outside	\$50
205	22-32	Accumulation of Flammable Liquids Outside Structure	\$75

300 Improper Handling of Ignition Source			
301	22-32	"No Smoking" Signs Not Posted in Prohibited Area	\$50
302	22-32	Unsafe Use of Torch or Welding Equipment	\$75
303	22-32	Other Unsafe Practices Involving Ignition Sources	\$75
304	22-32	Unlawful Use of Fireworks	\$500
305	22-32	Illegal burning	\$200

400			
Occupancy Issues			
401	22-31	No Certificate of Occupancy/Use	\$50
402	22-31	Occupancy Type Cannot be Located in Current Location	\$75
403	22-31	Occupant Load Not Posted	\$75
404	22-31	Occupancy Over Crowded	\$100
405	22-31	Assembly Occupancy Has No Seating Plan	\$75

500			
Inadequate Exit Facilities			
501	22-31	Exit Deficiency	\$100
502	22-31	Inadequate Number of Exits	\$100

600			
Exit Doors			
601	22-31	Door Not Equipped With Approved Exit Hardware	\$100
602	22-31	Fire or Stair Door Lacks Automatic	\$100

700			
Exits Blocked			
701	22-31	Aisles Blocked or Obstructed	\$100
702	22-31	Exit Access or Discharge Blocked or Obstructed	\$100
703	22-31	Exit or Stair Blocked or Obstructed	\$100

800			
Exits or Egress Path Not Visible			
801	22-31	Exit Camouflaged/Concealed by Curtains/Decorations	\$75
802	22-31	Exit or Directional Signs Not Provided or Visible	\$75
803	22-31	Exit Signs Not Illuminated/Battery Back-up	\$50
804	22-31	Exit Signs Not Approved Type	\$75
805	22-31	Emergency Lighting Not Provided	\$50
806	22-31	Emergency Lighting Malfunction	\$50

900 Exits Unusable			
901	22-31	Exit Doors Inoperative or Locked	\$100
902	22-31	Exit Access Through Rooms	\$100
903	22-31	Exit Doors Require Too Much Force	\$75
904	22-31	Stairway Not Properly Maintained	\$75

1000 Fire Smoke Doors			
1001	22-31	Doors Will Not Self-Close and/or Latch	\$75
1002	22-31	Doors Propped Open	\$75
1003	22-31	Rating Labels Not Identifiable or Missing	\$50

1100 Fire Extinguishers			
1101	22-31	Adequate Number of Extinguishers Not Provided	\$75
1102	22-31	Extinguishers Not Charged or Inoperative	\$50
1103	22-31	Extinguishers Not of the Proper Type or Rating	\$50
1104	22-31	Extinguishers Not Properly Installed	\$50
1105	22-31	Extinguishers Not Inspected or Tagged As Required	\$75
1106	22-31	Extinguishers Not Readily Visible or Accessible	\$75

1200 Fire System and Standpipes			
1201	22-32	Sprinklers/Standpipe System Not Properly Maintained	\$75
1202	22-32	Sprinkler/Standpipe Control Valves Not Open	\$100
1203	22-32	Sprinkler Heads Obstructed or Too Close to Stock	\$75
1204	22-32	Standpipe Hose Needs Replacing	\$50
1205	22-32	FDC Inaccessible, Absent, or Not Maintained	\$100
1206	22-32	Main Valves Not Locked or Monitored	\$50
1207	22-32	Other Sprinkler/Standpipe Deficiency	\$75
1208	22-32	Back Flow Not Monitored or Chained	\$50
1209	22-32	FDC Blocked by Vehicle	\$100

1300 Fire Alarm System			
1301	22-31	Alarm Deficiencies	\$95
1302	22-31	No Annual Inspection/Test Records	\$75
1303	22-31	Disabled Fire Alarm System	\$100
1304	22-31	Non Permitted Fire Alarm Work	\$100

1400 Fire Doors and Firewalls			
1401	22-31	No Self-Closing Fire Door	\$75
1402	22-31	Fire Door Inoperative	\$75
1403	22-31	Not Approved Rated Fire Door	\$75
1404	22-31	Unprotected Opening in Firewall	\$75
1405	22-31	Unprotected Vertical Openings or Shafts	\$75
1406	22-31	Trash Chute Doors	\$75
1407	22-31	Trash Room Fire Guillotine	\$75
1408	22-31	Inadequate Fire Resistance or Tenant	\$75

1500 Electrical Equipment			
1501	22-32	Overloaded Circuits	\$75
1502	22-32	Service Panel Obstructed	\$50
1503	22-32	Electrical Panels or Junction Boxes Open	\$50
1504	22-32	Fuses, Circuit Breakers Improper Types or Bypassed	\$100
1505	22-32	Building Wiring and Distribution System Unsafe	\$100
1506	22-32	Temporary Wiring or Wiring Not in Conduit	\$75
1507	22-32	Improper Use of Extension Cords	\$50
1508	22-32	Electrical Outlets/Switches Lacking Cover Plates	\$50
1509	22-32	Other Electrical Deficiencies	\$75

1600 Emergency Power Supply			
1601	22-31	No Exercise or Maintenance Log	\$75
1602	22-31	No Test Records	\$75
1603	22-31	Other Emergency Generator Deficiency	\$75

1700 Fire/Pump Hydrants			
1701	22-31	No Exercise or Maintenance Log	\$75
1702	22-31	No Annual Test Records	\$75
1703	22-31	Other Fire Pump Deficiency	\$75
1704	22-31	Fire Hydrant Deficiency	\$750
1705	22-31	Fire Hydrants Blocked By Vehicle	\$100
1706	22-31	Fire Hydrant Blocked By Vegetation	\$100

1800 Building Access			
1801	22-32	No Lock Box Provided	\$75
1802	22-32	Keys Not in Box or Wrong Keys	\$50

1900 Apparatus Access/Fire Lanes			
1901	22-32	No EVAC Receiver For Gates	\$100
1902	22-31	Fire Lanes Not Marked	\$200
1903	22-31	Fire Lanes Blocked	\$75
1904	22-32	Drive Width Impeded by Vegetation	\$95
1905	22-32	Drive Height Impeded by Vegetation	\$95

2000 Permits			
2001	22-31	Working Without a Fire Permit. Contractor or Property owner.	\$200
2002	22-31	Failure to Close Fire Permit with Building Department Within 30 Days of Final Fire Inspection. Fine Will Be Repeated at 60 and 90 days.	\$200
2003	22-31	Failure to close 3 permits in a fiscal year will result in no further permits being issued until rectified	\$200

POLICE CODE VIOLATIONS INCURRING CIVIL PENALTIES

CODE	VIOLATION TYPE	FINE
4-6	Sales to certain persons prohibited	\$400
4-10	Unlawful Acts in an Establishment	\$400
34-3	Establishment of Rules & Regulations (A-J only)	\$400
34-4	Discharge of Firearms or Fireworks	\$500
54-36(i)	Aircraft on Beach	\$400
50-39	Handicapped Parking	\$250
54-165(1)	Operation of Vessel in Prohibited Manner	\$400
54-168	Damage of Markers or Buoys	\$400

SHORT TERM RENTALS

CODE	VIOLATION TYPE	FINE
8-101(a)	Rental Property Registration-Operating a short term rental without being registered	\$250
8-101(c)	Inspections – Not having an inspection	\$500
8-101(d)	Term and Renewal – non-notification of change of contact or ownership	\$500
8-102(1)	Designated Contact – Designated contact not available for over three hours	\$500
8-102	Occupancy Limits – exceeding occupancy limits	\$500
8-103	Required Postings and Notice – not having required postings or notice visible	\$500

