

**CITY OF MARCO ISLAND
ORDINANCE 2004-03**

**AN ORDINANCE TO AMEND CHAPTER 14,
ARTICLE II, (CODE ENFORCEMENT BOARD) OF
THE CODE OF ORDINANCES BY AMENDING
SECTION 14-35, MEMBERSHIP; COMPENSATION
OF MEMBERS; APPOINTMENT AND TERM OF
MEMBERS; VACANCIES; AND PROVIDING A
SEVERABILITY CLAUSE, CONFLICT PROVISION,
AND 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, City Council desires to amend the membership, compensation of members, appointment and term of members, and vacancy procedures as provided in Section 14.35.

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

Section 1. Chapter 14, Section 14-35 of the Marco Island Code of Ordinances be amended as follows (with underlining indicating additions and strikethrough indicating deletions):

Sec. 14-35. Membership; compensation of members; appointment and term of members; vacancies.

(a) The council may appoint one seven-member code enforcement board. All members of the code enforcement board shall be permanent residents and electors of the city and shall serve without compensation. Members may be reimbursed for such travel, mileage, and per diem expenses as may be authorized, in advance, by the council.

~~(b) The appointment, removal, and terms of members shall be in accordance with chapter 2, article IV of this Code.~~

- (c) Term of Office: The members of the code enforcement board shall be appointed for a term of three (3) years on a staggered basis.
- (d) The appointment of members to the enforcement board shall be made on the basis of experience or interest in the fields of zoning and building control, or other areas as are relevant to the codes or ordinances of the city, which are to be enforced. The membership of the enforcement board shall, whenever possible, include, but not be limited to, an architect, a businessperson, an engineer, a general contractor, a subcontractor and a realtor.
- (e) If any member's term expires during the pendency of any case which has not reached conclusion by a final vote, such 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 terms shall continue for the limited time and limited purpose to rehear the matter and reach a conclusion by final vote.
- (e) An appointment to fill any vacancy on the code enforcement board shall be for the remainder of the unexpired term of office. If any member fails to attend two of three successive meetings without cause and without prior approval of the chair, the code enforcement board shall declare the member's office vacant, and the city council shall promptly fill such vacancy.
- (f) The members shall serve in accordance with ordinances of the city council and may be suspended and removed for cause as provided in such ordinances for removal of members of boards.

Section 2. Incorporation, Conflict, and Severability.

(a) 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, and that the sections of this ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section," "article," or other appropriate word.

(b) All sections or parts of sections of the Code of Ordinances of the City of Marco Island, all ordinances or parts of ordinances, all resolutions or parts of resolutions, in conflict herewith, be and the same are hereby repealed to the extent of the conflict.

(c) 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.

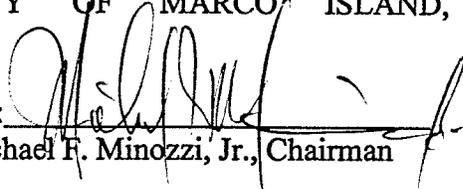
Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 1st day of March 2004.

Attest:
FLORIDA



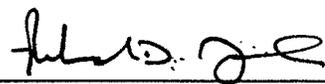
Laura Litzan, City Clerk

CITY OF MARCO ISLAND,

BY: 

Michael F. Minozzi, Jr., Chairman

Approved as to form and legal sufficiency:



Richard D. Yovanovich, Esquire
City Attorney