

**CITY OF MARCO ISLAND  
ORDINANCE NO. 01 - 36**

**AN ORDINANCE TO ESTABLISH THE NEW CITY OF MARCO ISLAND ADMINISTRATIVE CONSTRUCTION CODE, WITH SAID ADMINISTRATIVE CONSTRUCTION CODE ACTING AS THE ADMINISTRATIVE CHAPTER (CHAPTER 1) OF THE FLORIDA BUILDING CODE, AS REFERENCED AND ADOPTED BY THE CITY OF MARCO ISLAND; DELETING ORDINANCE 98-17 IN ITS ENTIRETY; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; PROVIDING FOR PENALTIES, 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 may exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, Section 553.73(4)(a), Florida Statutes, authorizes Florida municipalities to make local amendments to its building codes provided they are not less stringent than the State minimum codes; and,

**WHEREAS**, the City of Marco Island desires to provide for a single ordinance for the administration of the new Florida Building Code, enforced by the City of Marco Island.

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

**SECTION 1: Florida Building Code – Chapter 1, Administration**

(a) Adoption. There is hereby adopted by reference, Chapter 1, Administration, of the Florida Building Code, 2001 edition, as the administrative provisions of the Florida building code enforced by the City of Marco Island.

(b) Admendment. That Chapter 1, Administration of the Florida Building Code, 2001 edition, is adopted in this section and is hereby amended by local amendment to read as follows:

Chapter 1, Section 101.1, entitled " Scope", has been deleted in its entirety and replaced with the following:

101.1. The purpose of this Ordinance is to establish and adopt a single ordinance uniformly addressing the non-technical and administrative requirements for the Florida Building Code, 2001 edition, the National Electric Code, 1997 editions, adopted Fire/Life Safety Codes, and all other adopted technical codes and ordinances not superseded by the Florida Building Code.

Chapter 1, Section 101.2, entitled "Title", has been deleted in its entirety and replaced with the following:

101.2. The following shall constitute and be known and cited as the Marco Island Administrative Construction Code ("ACC") hereinafter referred to as the "ACC".

Chapter 1, is hereby amended by adding new Section 101.3.3, entitled "Permitting and Inspection" to read as follows:

101.3.3 Permitting and Inspection. The permitting or inspection of any building, system or plan by the City of Marco Island, under the requirements of this Code, shall not be construed in any court or otherwise as a warranty of the physical condition or adequacy of any such building, system or plan. The City and employees thereof shall not be liable in tort or otherwise for damages for any defect or hazardous or illegal condition or inadequacy in any such building, system or plan, nor for any failure of any component of such, which may occur before, during or subsequent to any such inspection or permitting.

Chapter 1, is hereby amended by adding new Section 101.4.9.1, entitled "Fire", to read as follows:

101.4.9.1. The provisions of the National Fire Code shall apply to the construction, alteration, repair, equipment, use, occupancy, location and maintenance of every building or structure, or any appurtenances connected with or attached to such buildings or structures. Further, the Fire Codes shall apply to the installation of mechanical and fire protection systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and incinerators, and fire related systems or installations.

Chapter 1, is hereby amended by adding new Section 101.4.9.2, entitled "Maintenance", to read as follows:

101.4.9.2. All building, structures, electrical, gas, mechanical, plumbing, and fire protection systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or

safeguards which are required by the technical Codes when constructed, altered, or repaired, shall be maintained in good working order. The owner, or owner's designated agent, shall be responsible for the maintenance of buildings, structures, electrical, gas, mechanical, fire and plumbing and all other applicable systems.

Chapter 1, is hereby amended by adding new Section 102.1, entitled "Restrictions on Employees", to read as follows:

102.1. An employee connected with the enforcement of this code, except one whose only connection is as a member of the board established by this Code, shall not be financially interested in the furnishing of labor, material or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he is the owner of such. No such employee shall engage in any other work that is inconsistent with his duties or is in conflict with the interests of the department.

Chapter 1, is hereby amended by adding new Section 102.2, entitled "Records", to read as follows:

102.2. The Building Official shall keep, or cause to be kept, a record of the business of the department. Except as may be otherwise specified by Florida Statutes, including the Public Records Law, all records of the department shall be open to public inspection.

Chapter 1, is hereby amended by adding new Section 102.3, entitled "Liability", to read as follows:

102.3. No City employee nor any member of the Board of Adjustments and Appeals, charged with the enforcement of this Code or any technical Code, acting for the applicable governing authority in the discharge of such duties, shall thereby render himself personally liable, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties. Any suite brought against any employee or member because of such act performed by him in the enforcement of any provision of this Code or any of the technical Code, shall be defended by the City Attorney until the final termination of the proceedings.

Chapter 1, is hereby amended by adding new Section 102.4, entitled "Reports", to read as follows:

102.4. The Building Official shall submit annually a report covering the work of the preceding year. He may incorporate in said report a summary of the decisions of the Board of Adjustments and Appeals during said year.

Chapter 1, is hereby amended by adding new Section 103.8, entitled "Right of Entry", to read as follows:

103.8. Whenever necessary to make an inspection to enforce any of the provisions of this Code or the technical Codes, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical, plumbing or fire systems unsafe, dangerous or hazardous the Building Official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this code, provide that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Building Official shall have recourse to every means provided by law to secure entry.

103.8.1. When the Building Official shall have first obtained a proper inspection warrant or other means provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to this Code.

Chapter 1, is hereby amended by adding new Section 103.9, entitled "Stop work orders", to read as follows:

103.9. Whenever a life, health or safety issue is present or any work is being done in violation of the provisions of this section or in variance with the terms of any permit issued for such work, the Building Official may order all work on the job stopped until such violation or variance is eliminated and any work or installation made in violation of this section is corrected. Such stop order, if oral, shall be followed by a written stop order within 24 hours (excluding Saturday, Sunday or holidays). It shall be unlawful to do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to persons or property.

Chapter 1, is hereby amended by adding new Section 103.10, entitled "Revocation of Permits", and new subsections 103.10.1. and 103.10.2 to read as follows:

#### 103.10. Revocation of Permits

103.10.1. Misrepresentation of Application. The Building Official may revoke a permit or approval, issued under the provisions of this Code or the technical Codes in case there has been any false statement or on which the permit or approval are based.

103.10.2. Violation of Code Provisions. The Building Official may revoke a permit upon determination by the Building Official that the construction, erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical, plumbing or fire systems for which the permit was issued is in violation of, or not in conformity with, any provision of this Code or the technical Codes.

Chapter 1, is hereby amended by adding new Section 103.11, entitled "Safety", and new subsections 103.11.1. and 103.11.2 to read as follows:

#### 103.11. Safety

103.11 Unsafe Buildings or Systems. All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing uses, constitutes a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition.

103.11.2. Physical Safety. Where pool construction commences prior to occupancy certification of a one or two family dwelling unit on the same property, the fence or enclosure required shall be in place at the time of final building inspection. The final pool inspection shall be satisfactorily completed prior to issuance of the dwelling unit's Certificate of Occupancy.

Where pool construction is commenced after occupancy certification of a one or two family dwelling unit on the same property, the fence or enclosure required shall be in place prior to filling of the pool unless during the period commencing with filling of the pool and ending with completion of the required fence or enclosure, temporary fencing or an approved substitute shall be in place. Failure to call for a final pool inspection within thirty (30) days of filling the pool shall result in an inspection rejection.

Chapter 1, is hereby amended by adding new Section 104.1.3.5, entitled "Prohibited activities prior to permit issuance", to read as follows:

104.1.3.5. A building permit (or other written site specific work authorization such as for excavation, tree removal, well construction, approved site development plan, filling, re-vegetation, etc.) shall have been issued prior to the commencement of work at the site. Activities prohibited prior to permit issuance shall include, but are not limited to, excavation, pile driving (excluding test piling), well drilling, formwork, placement of building materials, equipment or accessory structures and disturbance or removal of protected species or habitat. Where minor clearing of underbrush can be accomplished without protected habitat or species disturbance, permitting is not required.

Where test piles are required to establish bearing capacity for design purposes of a project, prior to the issuance of a building permit, a test pile permit shall be obtained before any piles are driven. All test pilings must be driven within the footprint of the building and applicable fees shall be charged for the permit. At the time of applying for the test piling permit the contractor shall provide, a bond, letter of credit or certified check equal to 125% of the estimated cost of removing the test piling and grading the site back to the condition it was in prior to the test piling in the event construction does not commence. If the project does not proceed and the test piles need to be removed, then they shall be removed to a minimum of 2 ft. below natural grade. In any event, the test piles are only allowed to remain exposed for a maximum of six (6) months.

Chapter 1, is hereby amended by adding new Section 104.2.1.2, entitled "Additional Requirements", to read as follows:

1. Drawings to scale, minimum scale is 1/8".
2. The first sheet of the Architectural Plans shall provide an information block with the following details:
  - (a) Occupancy classification(s). If the building contains more than one (1) occupancy classification and/or tenant use areas, list each separately with the individual square footages.
  - (b) Establish the required live load for the intended use of each floor and/or mezzanine area.
  - (c) Building area (sq. ft.) for each floor and mezzanine area.
  - (d) Grade elevation of first floor \_\_ + \_\_\_\_\_ N.G.V.D.
  - (e) Applicable Flood zone.
  - (f) Elevation of first habitable floor \_\_ + \_\_\_\_\_ N.G.V.D.
  - (g) Height of building in feet above grade.
  - (h) Building height in stories.

- (i) Type of construction.
- (j) Designed for applicable wind load.
- (k) Parking summary for occupancy classification(s) consistent with the calculation and supporting documentation from the approved final site development plan.

3. The permit documents (drawings) shall be no larger than 24" when rolled up and no folded plans will be accepted for permit submittal.

4. The Building Official may require details, computations, stress diagrams, panel schedules, and other data necessary to describe the construction or installation and the basis of calculations.

5. Pre-manufactured Building Components.

(a) Building components designed by specialty engineers (i.e. roof trusses, floor trusses, precast floor slabs, etc.) are required to be submitted at time of permit application. Extra loading of the trusses, beams or girders with hot water heaters, air handlers, compressors or other loads not specifically considered in the specialty design will not be allowed without engineered sealed drawings acknowledging such extra loads.

(b) The specialty engineer shall acknowledge that additional loading has been considered in the design and the type of roof covering shall be designated on the truss plans.

(c) There will be no jobsite modifications of product allowed without an approved design by the specialty engineer.

(d) During the design process of roof trusses, floor trusses, or precast floor slabs, consideration must be given to the possibility that point loading (i.e. girders and columns) may dictate redesign of bearing footing. This shall be coordinated by the design professional.

(e) The design professional shall make a statement on his plan that he has considered and coordinated the truss layout plans, anchor details, uplift loads and reaction loads into his architectural plans by naming the truss manufacturer, their job number, and the date of the truss manufacturers plans on his architectural plans.

(f) Provide the truss layout plans and details by the truss manufacturer to include the profiles for all special trusses that have reaction loads over 5000# and uplift loads over 1000#. These special reaction and uplift connections shall be keyed into a schedule that coordinates with the truss layout plan by a highlighted indication on the truss layout plan for quick reference. The truss manufacturer or the design professional shall provide the recommended anchor for each special connection in the required schedule. The engineered cut sheets for all trusses shall be available at the job site prior to the required inspection.

(g) Provide an anchor bolt plan, fastener schedule and shop drawings as furnished by the steel building manufacturer.

(h) Product approval is not required, however, all exterior doors, windows, skylights, vents, etc. shall be approved at the final inspection with either a certification sticker, by an approved testing laboratory and

applied to the product by the manufacturer, or a signed and sealed document by the design professional indicating that the item is able to withstand the 140 mph wind loading requirements of Chapter 16 of the 2001 edition of the FBC.

(i) Engineered drawings shall be submitted with a signature and raised seal for all miscellaneous structures such as awnings, shutters, screen enclosures, swimming pools, spas and seawalls.

Note: Job specific engineering is not required for aluminum structures that meet the specifications of approved Master Plan Design manuals. These manuals shall be signed and sealed by a Florida State Registered Engineer and be provided to the Building Department. The Master Plan service provider shall periodically update their approved client list. Only approved clients of the service are allowed to reference the Master Plan Design manual.

(j) All signs and electric light standards shall meet structural and other standards regarding sign and light pole construction, erection, electrical wiring, etc. set forth in the building code. Plans for any pole or ground sign exceeding 32 square feet in area and/or eight (8) feet in height or light pole exceeding 8 ft. in height shall be accompanied by foundation drawings signed and sealed by a licensed architect or engineer or the manufacturers recommendations as published by their representative engineer.

(k) The Florida State certified architect or engineer of record shall sign and seal all submitted documents that were prepared under his/her license for the structural and functional components of the structure. The architect or engineer of record shall also indicate their company name, his/her legal name and State of Florida license number, address and phone number in the title block.

6. A Lot Drainage Plan shall be submitted by the permittee at time of application for a building permit. Lot drainage shall comply with the approved Lot Drainage Plan at time of Certificate of Occupancy Inspection. Ground elevations shall be gradually sloped away from the building to effectively drain water away and to be managed on site through roof guttering or earth grading. No significant stormwater run-off is permitted to flow from the subject premises onto abutting properties.

7. Plans shall show that construction of the lowest finished floor meets the elevation criteria listed below or engineered properly to a site specific design and certified by an architect or engineer, when conflict exist between the FIRM elevation and others, the higher elevation shall be required;

(a) FIRM elevation – the elevation that has been established by the Flood Insurance Rate Maps (FIRM).

(b) Paved Road – a minimum of 18 inches above the crown of the nearest street or interior roadway system if finished with paving; or

(c) Graded or Unfinished Road – 24 inches above the crown if graded or otherwise unfinished; or

(d) Mean Sea Level – seven (7) feet above Mean Sea Level (MSL) based on the 1929 National Geodetic Vertical Datum (NGVD); or

(e) Water Management Design

(1) Buildings within projects which have water management routing and storage facilities designed and built for a 25-year, three (3) day storm event in accordance with South Florida Water Management District's criteria may use a finish floor elevation in accordance with the project's water management designed 100 year zero discharge elevation or the FIRM elevation, whichever is higher.

(2) Buildings which are not within projects having a water management storage facility designed and built for a 25-year, three (3) day storm event in accordance with South Florida Water Management District's criteria shall use a finish floor elevation of 18 inches above the adjacent roadway crown elevation or the FIRM elevation, whichever is higher.

8. On parcels where unusual topographic conditions exist and the above standard conditions cannot be reasonably applied, the Building Official will consider requests to decrease the finish-floor elevation. All requests will require an analysis by a Florida registered professional engineer of the 25-year, three (3) day storm event and the 100 year, three (3) day storm event, using zero discharge for the entire drainage basin in which the proposed structure is located. Reductions may be allowed on the basis of the analysis, but in no case shall the finish floor be less than the FIRM.

Note: Slabs for garages, carports, screen enclosures, etc., must be at least equal in elevation to the crown of the nearest street.

9. Building permits that require a foundation inspection or floor elevation inspection shall submit a current survey with the permit application.

10. For fire damage issues, a professional review and written report shall be submitted concerning the components to be salvaged and all structural systems shall be certified by an architect or engineer. These documents will be required before issuing a permit for reconstruction of a fire-damaged structure.

Chapter 1, is hereby amended by adding new Section 104.4.1.6, entitled "Licensed Contractor/Designated Agent", to read as follows:

104.4.1.6. All construction within the city limits shall be performed through and supervised by a licensed general contractor. A licensed contractor shall sign the application but may to designate an employee or permitting service to submit and/or receive a building permit, such designation shall be by power of attorney, and a separate power of attorney shall be required for each specific project or permit request. The power of attorney shall remain in effect for a period of one (1) year and it is the contractor's responsibility to notify the Building Department of any change in status of the designee.

Chapter 1, is hereby amended by adding new Section 104.1.7, entitled "Unlicensed contractor", to read as follows:

104.1.7. A permit may be issued by the Building Services Division to an unlicensed builder to build a single-family residence for self-occupancy and which residence remains under the same ownership and occupancy for a period of at least two (2) calendar years from the date Certificate of Occupancy is issued. During such two (2) year period, no additional permits, other than accessory, will be issued to this individual. All owners constructing their own residence shall carry public liability insurance equal to that as required for general contractors, and shall file a Certificate of Insurance with the Building Services Division.

Chapter 1, is hereby amended by adding new Section 104.1.7.1 to read as follows:

104.1.7.1. A building permit issued to a licensed contractor by the Building Department may be transferred to the subject property owner as an unlicensed contractor to complete construction of a single-family residence consistent with the terms and conditions specified in Section 104.1.7. Prior to the actual transfer of the building permit from the licensed contractor to the unlicensed contractor either of the following must occur:

- (i) The licensed contractor shall execute and submit to the Building Department a sworn affidavit consenting to the full and complete release and transfer of the building permit from the contractor's control to the unlicensed contractor to complete construction of the single-family residence; or
- (ii) In the event the licensed contractor will not execute the aforementioned affidavit of release and transfer, the unlicensed contractor shall enter into an agreement with the City addressing the following to the satisfaction of the Building Official:
  - (a) That the unlicensed contractor has requested that the licensed contractor provide an affidavit of release and transfer, and that the licensed contractor has refused;
  - (b) That the unlicensed contractor has requested that the City transfer the building permit from the licensed contractor to the unlicensed contractor to complete the construction of a single-family residence;
  - (c) That the unlicensed contractor will comply fully with the terms and conditions of Section 104.1.7 and will

complete all applicable Building Department applications prior to permit release and transfer;

(d) That the unlicensed contractor is responsible for fully complying with all requirements of Chapter 173, Florida Statutes; and

(e) That in consideration for the release and transfer of the building permit by the Building Department, the unlicensed contractor agrees to indemnify and hold the City of Marco Island harmless from any and all liability, losses, penalties, damages, and professional fees, including attorney fees and all costs of litigation and judgments associated with the release and transfer of the building permit.

Chapter 1, is hereby amended by replacing Section 104.5.1.1 to 104.5.1.4, with the following:

1. The permit application and the plans shall be reviewed, approved and ready for issuance within a reasonable time from the date of application. Permits shall be issued to the permittee and notified that the permit has been approved. The review process includes appropriate responses from the permit applicant when the permit cannot be approved. When the applicant is advised of deficiencies and does not respond within six (6) months with corrected plans or an appeal to the Code Enforcement Board, the permit application will be canceled. The cancellation process includes disposal of the application and plans.
2. Building permits shall expire and become null and void if the construction authorized by such permit is not commenced within one hundred and eighty (180) days from the date of the issuance of the permit. Date of issuance is the date of permit pickup. Additionally, the building permit shall expire if the work authorized by such permit is not completed within 18 months from the date of issuance of the permit, unless prior to the issuance of the building permit a time schedule has been submitted to and approved by the Building Official or his designee predicted upon customary time for construction of like buildings indicating completion of construction in excess of 18 months. In the event a time schedule has been submitted by the permittee, the building permit shall expire 30 days after the date of completion set forth in the approved time schedule. For purposes of this section, the construction authorized by such permit shall not be deemed to have commenced unless and until all foundation inspections have been requested and satisfactorily completed.
3. The Building Official or his designee may authorize a maximum of two (2) extensions of an active, valid building permit for a period of 90 days each, upon payment by the permittee of a filing fee for each extension. As a condition to granting a permit extension, the Building Official may require a building schedule from the permittee setting forth the date of completion.

The filing fee for each permit extension shall be equal to ten percent (10%) of the original building permit fee or one hundred dollars (\$100.00), whichever is greater, but shall not exceed five hundred dollars (\$500.00). The filing fee is intended to cover the cost of reviewing existing or amended building plans to determine and verify code compliance. No further extension may be granted by the Building Official and the permit shall expire and become null and void.

4. If construction has commenced within one hundred and eighty (180) days from the date of issuance of the permit, and is subsequently abandoned or suspended as determined by the Building Official, the permit shall expire and become null and void. Permit abandonment shall be deemed to have occurred if a required inspection has not been requested or satisfactorily completed within a six (6) month period. Once construction has commenced on a building project, it shall be prima facie evidence of abandonment or suspension of the project if the permittee during any six (6) month period fails to actively engage in construction and fails to complete at least sixty percent (60%) of the construction that would be considered average for the industry for that six (6) month time period predicated upon a customary time for construction of like buildings. Such project shall not be considered abandoned or suspended if the permittee furnishes the Building Official satisfactory evidence, in writing, that the delay is occasioned due to unavailability of construction supplies or materials, and every effort has been made to obtain substitute materials equal to those called for in the specifications, or due to delay in delivery of construction supplies or materials, or due to fire, weather conditions, civil commotion or strike. Increased cost of building materials or supplies or financial hardship shall not be considered by the Building Official as evidence that the project has not been abandoned or suspended.

5. In the event that the Building Official declares a permit to be null and void as the result of abandonment or suspension of the project, the permittee shall be so notified, in writing, at his usual place of business. Within 15 days after receipt of the Building Official's decision, the permittee may appeal the decision of the Building Official to City Council or a duly authorized Board. The permittee shall have the burden of establishing that the project has not been abandoned or suspended upon which City Council or a duly authorized Board may reverse the decision of the Building Official.

Chapter 1, is hereby amended by adding new Section 104.5.4, entitled "Waste Materials Management", to read as follows:

104.5.4. Inert waste materials may be buried on-site provided that such disposal is in conformance with federal, state, and local laws and regulations. Inert waste materials as used herein are specifically limited to brick, block, concrete, rock, stone, earth and sand that is free from contamination and of other types of waste, and that is capable of serving as

fill material without environmental harm to, or pollution of, ground waters or surface waters. All other wastes, including garbage, hazardous waste, rubbish, refuse, paper products, containers, cloth, wood and wood products, sweepings, liquids other than water, sludge, tree limbs and trunks, undergrowth, and material produced by clearing and grubbing, and other horticultural wastes, shall not be buried on-site but shall be otherwise lawfully disposed of.

Chapter 1, is hereby amended by adding new Section 104.5.5, entitled "Dust Control", to read as follows:

104.5.5. Adequate dust control measures shall be employed by the permittee to prevent complaints arising from unhealthy, unsafe or damaging conditions. Failure to utilize adequate dust control procedures shall be sufficient cause to order cessation of the work causing such dust and to decline inspection requests.

Chapter 1, is hereby amended by adding new Section 104.5.6, entitled "Noise Control", to read as follows:

Construction activities are permitted as per the City of Marco Island Noise Control Ordinance.

Chapter 1, Section 104.6.2, entitled "Work Commencing before Permit Issuance", has been deleted in its entirety and replace with the following:

104.6.2. If any person commences any work on a building or structure before obtaining the necessary permit, he shall be subject to a penalty of quadruple (four times) the permit fees.

Chapter 1, Section 104.6.4, entitled " Schedule of permit fees", has been deleted in its entirety and replaced with the following:

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

Note: The definition for "fee per sq. ft. under roof" as used in the following fee schedule shall be interpreted as the entire area within the exterior face of the perimeter wall of the enclosed structure or the supporting beam of an exterior lanai under roof. Roof overhangs are not to be included in the calculation.

1. New Single Family Residential Structure Permit. On all new construction for habitable single-family residential structures, there shall be a building permit fee of \$0.35 per square foot under roof. The minimum fee shall be \$35.00; the maximum fee shall not exceed \$1,000.00. (Roof and driveway under 150 sq.ft. are included)
2. New Commercial/Multifamily Structure Permit. On all new construction for habitable commercial or multifamily structures, there shall be a building permit fee of \$0.30 per square foot under roof. The minimum fee shall be \$35.00.
3. Additions and Alterations Permit. On all additions and/or alterations there shall be a building permit fee as listed in 1 or 2 above, for the area being altered. In unusual cases or configuration, the Building Official shall determine the area that the permit fee is based on. The minimum fee shall be \$35.00 for each required inspection.
4. Demolition/Moving Permit. For any demolition work there shall be a fee of \$0.05 per square foot. The minimum fee shall be \$50.00. All demolition fees will be waived in cases where the structure to be demolished is utilized by the Fire Department for training purposes.
5. Electrical Permit. The licensed contractor installing or constructing any electrical wiring or equipment shall be required to obtain a permit and pay a fee of \$0.05 per square foot under roof. The minimum fee shall be \$35.00.
6. Plumbing Permit. The licensed contractor installing any plumbing, piping, fixtures, appliance, or equipment shall be required to obtain a permit and pay a fee of \$0.05 per square foot under roof. The minimum fee shall be \$35.00.
7. Mechanical Permit. The licensed contractor installing any heating, air conditioning, refrigeration, or ventilation, ductwork, equipment or related accessories are required to obtain a permit and pay a fee of \$0.05 per square foot under roof. The minimum fee shall be \$35.00.
8. Roofing Permit. For any roofing work there shall be a fee of \$0.03 per square foot. The minimum fee shall be \$50.00. Fees for any roofing work in conjunction with the construction of a new single-family residential structure are included in the single-family residential structure permit.
9. Site Work Permit. Any person doing any type of site work such as the lawn sprinkler irrigation system or driveways in excess of a normal two (2) car drive from the ROW to the house, that is separate from a building permit will be required to obtain a permit and pay a fee of \$0.02 per sq. ft. of the work area requested. Sprinkler system rework, landscaping and drainage work are excluded.
10. Right-of-Way Permit. Any person other than employees of the governing authority of the right-of-way who need to do any work on the right-of-way must first obtain a permit and pay the appropriate fee.

11. Seawall permit. The licensed contractor who either repairs or removes and replaces a seawall shall be required to obtain a permit and pay the applicable fee as follows:

Install/Repair/Replace Seawall - \$1.50/LF

Shoring/Rip-rap/Reinforcement - \$0.75/LF

Minor Repairs & Maintenance - \$0.25/LF

Note: Major repairs and new seawalls shall require a permit with engineering and an inspection. Minor repairs need a permit and inspection but no engineering is required.

12. Temporary Use Permits (Type I). Any person who desires to have a large scale event or special activity including but not limited to; circus, fair, carnivals, outdoor concerts or parades, must first obtain a permit and pay an application fee of \$50.00 for each item listed. If the event is approved, the City may charge additional fees to cover costs incurred by the City. These types of events must be characterized by requiring one or more of the following items; off-site parking, amplified music, use of City personnel, street closure.

13. Temporary Use Permits (Type II). Any person who desires to have a small scale event or construction related activity including but not limited to; sidewalk sale, promotional banners or sign, construction signs, fences, trailers and construction related street enclosure, must first obtain a permit and pay an application fee of \$35.00 for each item listed.

14. Temporary Use Permits (Type III). Any person who desires to have one of the following, including but not limited to; residential garage sales or block parties must first obtain a permit. No fee is charged for this permit.

15. Accessory Structure (Type I) Permit. Any person that builds and/or installs an accessory structure that is of, or similar to, one of the following; garages, carports, bath houses, covered walkways, chickee, screen cages, and docks must first obtain a permit and pay a fee equal to \$0.15 per gross square footage of the structure. The minimum fee shall be \$50.00.

16. Accessory Structures (Type II) Permit. Any person who builds and/or installs an accessory structure that is of, or similar to, one of the following; any fence, screen walls, signs, antennas, wells/sprinkler systems, or boat lifts, must first obtain a permit and pay a flat fee of \$50.00. Installation of flagpoles over fifteen (15) feet require issuance of a permit, but no fee will be charged.

17. Swimming Pools and Spas. Any person that builds and/or installs a swimming pool or spa (exclusive of decking) shall first obtain a permit and pay a fee as follows:

Single family - \$100.00 (including electric).

Multifamily/Commercial - \$0.25/SF, minimum of \$100.00

18. The following accessory structures are exempt from needing a permit. Dish antennas 18 inches and smaller in diameter, indoor antennas, temporary signs such as "For Sale" signs.

19. County impact fees identified in the Interlocal Agreement dated January 19, 1999, as amended, shall be paid to the City of Marco Island prior to the issuance of a building permit.

20. Plan Review Fee. A fee equal to ten (10) percent of the permit fees as listed herein will be charged at the time an application for a permit is received for processing. This fee is not refundable nor is it credited to any other fee. Plan review fees will be collected at the time of application.

21. Plan Revisions. Any time a project is revised or changed in any way after application has been received; an additional fee will be charged the same as if an addition or alteration had been made to an existing structure. A plan review fee will be charged in accordance with paragraph (20) above. An administration fee of \$50.00 will also be charged. Additional plan review fees may be charged for extensive changes.

22. Reinspection fees. Reinspection fees shall be charged as follows: first reinspection - \$35.00, second reinspection - \$75.00, third reinspection - \$100.00.

23. Building Permit Surcharge Fee. Pursuant to Section 553.721 F.S., a fee of \$0.005 per square foot shall be assessed on new construction and on additions, alterations or renovations to existing buildings for which a municipality normally issues a building permit. For new construction, the fee shall be computed on the area under roof. For additions, alterations or renovations to the existing buildings, the surcharge fee shall be computed on the basis of the square footage being added, altered or renovated. For the purposes of this section, the area under roof shall mean the gross constructed area covered by a roof that provides shelter. This shall include the gross floor area of each floor of a multiple-story building. Unroofed walkways are not included in this definition.

The Building Permit Surcharge Fees shall be calculated and collected by the City on behalf of the Department of Community Affairs (DCA) at the time of permit issuance. Fees collect shall be remitted to DCA on a quarterly basis. The City may retain an amount up to 5 percent of the surcharge collected to cover costs associated with the collection and remittance of such surcharge.

24. Building Permit Certification Surcharge Fee. Pursuant to Section 468.631 F.S., a fee of \$0.005 per square foot shall be assessed on new construction and on additions, alterations or renovations to existing buildings for which a municipality normally issues a building permit. For new construction, the fee shall be computed on the area under roof. For additions, alterations or renovations to the existing buildings, the surcharge fee shall be computed on the basis of the square footage being added, altered or renovated. For the purposes of this section, the area under roof shall mean the gross constructed area covered by a roof that provides shelter. This shall include the gross floor area of each floor of a multiple-story building. Unroofed walkways are not included in this definition.

The Building Permit Certification Surcharge Fees shall be calculated and

collected by the City on behalf of the Department of Community Affairs (DCA) at the time of permit issuance. Fees collect shall be remitted to DCA on a quarterly basis. The City may retain an amount up to 5 percent of the surcharge collected to cover costs associated with the collection and remittance of such surcharge.

25. Electronic Data Conversion. The City shall add a surcharge to all permits to offset the cost of electronically storing permit information. The surcharge will equal 3% of the total permit cost, with a minimum charge of \$3.00 and a maximum of \$150.00.

Chapter 1, is hereby amended by adding new Section 104.6.5, entitled "Tenant improvements", to read as follows:

104.6.5. The general contractor of record for the building shell permit will be allowed to apply for a permit for tenant improvements before the shell has been given a Certificate of Occupancy. Only the general contractor of the building shell will be able to obtain a permit for a tenant improvement prior to the shell being given a Certificate of Occupancy. Each tenant space (i.e., unit, suite, etc.) that is not finished under the original building contract will require its own permit for improvements. Revisions to the original scope of work will not be considered for complete tenant improvements after the original permit is issued. No tenant spaces will receive a Certificate of Occupancy until after the shell has been given a Certificate of Completion. Exceptions will be considered and reviewed by the Building Official, or his/her designee. Final decision will be made based upon Life, Health and Safety issues. The shell permit will be referenced on the tenant improvement permit.

Chapter 1, is hereby amended by adding new Section 105.4.1, entitled "Building (4) - Partial building inspections", to read as follows:

105.4.1. Partial inspections for structural, plumbing, mechanical and electrical will be made as requested, providing the request meets one or more of the following guidelines;

- (a) Submit an inspection plan.
- (b) There are more than seven (7) units on one (1) floor.
- (c) Stepped construction (discontinuous floor levels).
- (d) Outside perimeter walls to allow for start of insulation on large commercial jobs.
- (e) Underground electric, sewer or water piping where cave-in is of concern.
- (f) Under slab work.
- (g) Buildings with three (3) or more floors for fire rating of ceilings. All other partial inspections may be arranged after submittal of an approved specific inspection plan, satisfactory to the Building Official.

Note: Failure to follow an approved inspection plan may result in the removal of the completed work that was accomplished after the last approved inspection.

Chapter 1, is hereby amended by adding new Section 105.6.1, entitled "Building As-Built survey", to read as follows:

105.6.1. It is the duty of the permit holder to submit to the Building Official, within 10 calendar days of this inspection, a location survey depicting the building foundation. The location of the building and the finished floor shall be precisely dimensioned in relation to each and every lot line as established by the zoning district or as established by conditions attached to the development permit, applicable to the permitted structure and the property upon which said structure is being constructed. The As Built Survey shall be prepared by or under the direct supervision of a Florida registered land surveyor and certified by same. Any work done prior to the survey required hereby shall be at the permit holder's risk. The Building Official shall review the location survey and approve same if all setback requirements are met. Deficiencies or encroachments detected by such review shall be corrected by the permit holder forthwith and prior to further work. Failure to submit the survey required hereby or failure to make said corrections shall be cause to issue a Stop-Work Order for the project.

Exception: Elevated finish floors will have the survey submitted within 10 days of completion of the floor.

Chapter 1, is hereby amended by adding new Section 105.6.2, entitled "Accessibility for building inspectors", to read as follows:

105.6.2. The permit holder shall provide, have on site, and have present at the time of inspection, a job representative to assist the City Inspector with all required ladders, scaffolds, ramps etc. for the proper inspection of all building components. Such temporary or permanent access facilities shall be provided for and maintained by the permit holder in addition to all insurance and liability issues. If accessibility to the required inspection is not available to the City Inspector at the time of his or her inspection, then the permit holder shall be subject to a re-inspection fee.

Chapter 1, Section 106.1.2 entitled "Issuing Certificate of Occupancy", has been deleted in its entirety and replaced with the following:

106.1.2 Issuing Certificate of Occupancy. Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the technical Codes, reviewed plans and specifications, and after the final inspection, the Building Official shall issue a certificate of occupancy stating the nature of the

occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of this Code.

Chapter 1, Section 106.1.3 entitled "Temporary/Partial occupancy", has been deleted in its entirety and replaced with the following:

106.1.3. Temporary/Partial Occupancy. Permitted structures may not be occupied (used for its intended purpose) until all final building inspections, (structural, electrical, mechanical/plumbing, fire, engineering, parking, drainage and landscaping) have been passed and a Certificate of Occupancy has been issued. This certificate may be temporary, contingent or final and shall be signed by the Building Official or his/her designee. The permittee shall preclude premature use of the structure by the owner (or others) unless prior written approval (for limited purposes) of the Building Official is obtained, and then only if inspections can be conducted unhindered and no regular occupancy is to occur.

Chapter 1, is hereby amended by adding new Section 106.1.4, entitled "Existing Building Certificate of Occupancy", to read as follows:

106.1.4 Existing Building Certificate of Occupancy. A certificate of occupancy for any existing building may be obtained by applying to the Building Official and supplying the information and data necessary to determine compliance with the technical Codes for the occupancy intended. Where necessary, in the opinion of the Building Official, two or more sets of detailed plans or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the technical Codes and other applicable laws or ordinances for such occupancy, a Certificate of Occupancy shall be issued.

## SECTION 2. DELETION OF ORDINANCE 98-17.

Upon the effective date of this ordinance, Ordinance 98-17 shall be deleted in its entirety.

## SECTION 3. 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, and that the sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article" or other appropriate word.

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 any court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

#### SECTION 4. PENALTIES FOR VIOLATION

If any person, firm, corporation, or other legal entity whether public or private, shall fail or refuse to obey or comply with, or violates, any of the provisions of the ordinance, such person, firm, corporation, or other legal entity whether public or private, upon conviction of such offense, shall be punished by a fine not to exceed five-hundred dollars (\$500.00) or by imprisonment not to exceed sixty (60) days in the county jail, or both, in the discretion of the court. Each day of continued violation or noncompliance shall be considered as a separate offense. In addition, any person, firm, corporation, or other legal entity whether public or private, convicted under the provisions of this section shall pay all costs and expenses involved in the case.

#### SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect January 1, 2002 upon adoption by the Marco Island City Council.

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 3rd day of December, 2001.

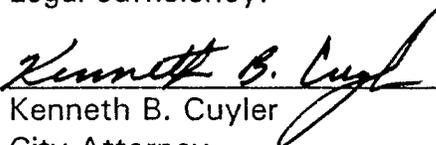
Attest:

CITY OF MARCO ISLAND, FLORIDA

  
\_\_\_\_\_  
A. William Moss  
City Manager/City Clerk

BY:   
\_\_\_\_\_  
E. Glenn Tucker, Chairman

Approved as to form and  
Legal sufficiency:

  
\_\_\_\_\_  
Kenneth B. Cuyler  
City Attorney