

ORDINANCE NO. 99-22

AN ORDINANCE TO AMEND ORDINANCE NO. 98-17 (THE MARCO ISLAND ADMINISTRATIVE CONSTRUCTION CODE) BY AMENDING CHAPTER 1, SECTION 104.6.6 "NOISE CONTROL", BY AMENDING CHAPTER 1, SECTION 104.7.2 "WORK COMMENCING BEFORE PERMIT ISSUANCE", 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.

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

SECTION 1: AMENDMENTS TO ORDINANCE 98-17, CHAPTER 1.

Chapter 1, Section 104.6.6, entitled "Noise control", has been deleted in its entirety and replaced with the following:

Construction activities, including the delivery of supplies and materials, are permitted only during the following times:

- (1) 7:00 a.m. to 7:00 p.m., Monday through Saturday;
- (2) No work is permitted on Sundays and the following holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day.
- (3) No person shall operate or permit to be operated any power driven construction equipment without a muffler or other noise reduction device at least as effective as that recommended by the manufacturer or provided as original equipment. Construction equipment that must be operated near a residentially zoned area on a 24-hour per day basis (i.e., pumps, generators, etc.) shall be shielded by a barrier to reduce the noise during the hours of 6:00 p.m. and 7:00 a.m. unless the unshielded noise level is less than 55 dBA, measured at the

closest adjacent residentially zoned property line. Except in the case of an emergency, prior written consent from the City will be required before operation of construction equipment can commence on an extended hour (i.e., after 7:00 p.m.) basis.

Chapter 1, Section 104.7.2 entitled "Work commencing before permit issuance", is hereby amended to read as follows:

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. The City Manager shall have the discretion to reduce penalties for work commencing before permit issuance.

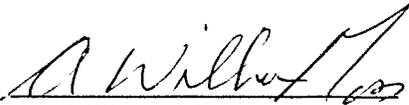
SECTION 2: EFFECTIVE DATE.

This Ordinance shall take effect immediately 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 1st day of November, 1999.

Attest:

CITY OF MARCO ISLAND, FLORIDA

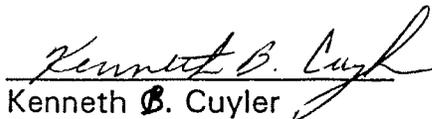


A. William Moss
City Manager/City Clerk

By: 

David E. Brandt, Chairman

Approved as to form and
Legal sufficiency:



Kenneth B. Cuyler
City Attorney

Naples Daily News
Naples, FL 34102

Affidavit of Publication
Naples Daily News

CITY OF MARCO ISLAND
ATT: DEE PHILLIPS
950 N COLLIER BLVD #308
MARCO ISLAND FL 34145

REFERENCE: 054361
57950280 SECOND READING & PUB

State of Florida
County of Collier

Before the undersigned authority, personally appeared B. Lamb, who on oath says that she serves as the Assistant Corporate Secretary of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida: that the attached copy of advertising was published in said newspaper on dates listed.

Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 10/22

AD SPACE: 44.000 INCH
FILED ON: 10/22/99

Signature of Affiant

Sworn to and subscribed before me this 22 day of Oct 1999

Personally known by me Susan D Flora



Susan D Flora
My Commission CC581717
Expires Dec. 10, 2000

SECOND READING & PUBLIC HEARING & ORDINANCE
CITY OF MARCO ISLAND
The City Council of Marco Island, meeting in regular session at 6:00 p.m. on November 1, 1999, at the Marco Island YMCA, 101 Sand Hill Street, Marco Island, Florida, will consider:
AN ORDINANCE TO AMEND ORDINANCE NO. 98-17 (THE MARCO ISLAND ADMINISTRATIVE CONSTRUCTION CODE) BY AMENDING CHAPTER 1, SECTION 104.6.6, "NOISE CONTROL" BY AMENDING CHAPTER 1, SECTION 104.7.2 "WORK COMMENCING BEFORE PERMIT ISSUANCE" BY AMENDING CHAPTER 1, SECTION 104.7.4, SUBSECTIONS 4 "DEMOLITION / MOVING PERMITS", 11 "SEAWALL PERMIT" AND 18 "IMPACT FEES IMPOSED BY COUNTY" AND PROVIDING AN EFFECTIVE DATE.
Members of the Public are invited to make oral or written comments in regards to this Ordinance, October 22 No. 1495136