

**CITY OF MARCO ISLAND  
ORDINANCE NO. 98 - 17**

**AN ORDINANCE ADOPTING BY REFERENCE CHAPTER ONE, ADMINISTRATION OF THE STANDARD BUILDING CODE, AS AMENDED BY THIS ORDINANCE, TO ESTABLISH THE CITY OF MARCO ISLAND ADMINISTRATIVE CONSTRUCTION CODE, WITH SAID ADMINISTRATIVE CONSTRUCTION CODE ACTING AS THE ADMINISTRATIVE CHAPTER FOR THE BUILDING, MECHANICAL, PLUMBING, ELECTRICAL, GAS, SWIMMING POOL, AMUSEMENT DEVICES AND UNSAFE BUILDING ABATEMENT CODES, STANDARDS, AND APPENDICES AS REFERENCED AND ADOPTED BY THE CITY OF MARCO ISLAND, 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; and,

**WHEREAS**, the City of Marco Island desires to provide for a single uniform ordinance for the administration of the building, mechanical, plumbing, electrical, gas, swimming pool, amusement devices and unsafe building abatement codes, as adopted by the City of Marco Island.

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

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

**(a) Adoption.** There is hereby adopted by reference, Chapter 1, Administration, of the Standard Building Code, 1997 edition, as published by the Southern Building Code Congress International, Inc. as the administrative provisions of the building, mechanical, plumbing, electrical, gas, swimming pool, amusement devices and unsafe building abatement codes adopted by the City of Marco Island.

**(b) Admendment.** That Chapter 1, Administration of the Standard Building Code, 1997 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:**

**Section 101.1 Scope.**

1. The purpose of this Code is to provide for the administration and enforcement of the Adopted Collier County Codes and Ordinances, the State of Florida Accessibility Standards and Energy Codes, Life Safety and other Fire Codes, the Standard Building Codes including the Mechanical, Plumbing, Electric, Gas and the Swimming Pool Code, the City of Marco Island Floodplain Management Ordinance, and the Standard Unsafe Building and Abatement Code are all, hereinafter referred to collectively as the “Technical Codes”, as adopted by those various agencies.
2. The purpose of this Ordinance is to establish and adopt a single ordinance uniformly addressing the non-technical and administrative requirements for the building, mechanical, plumbing, electrical, swimming pool, amusement devices, and unsafe building abatement of all those listed technical codes and ordinances. This Ordinance language is taken by permission from the Southern Building Code Congress International’s Codes, specifically, Chapter One of the 1997 Edition.
3. The purpose of this Ordinance is to provide the mechanism to respond more quickly to the technical changes made by the State of Florida by removing administrative material from within the various technical codes. The legislature of the State of Florida has in the past adopted annually the most current edition or revision of the Standard Codes as published by the Southern Building Code Congress. The portions of those Technical Codes have been administratively deleted, supplemented and/or amended by individual City of Marco Island Ordinance and this Ordinance is referenced therein for administrative functions to be applied thereto.

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

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, Section 101.4.7, entitled “Federal and State Authority”,** has been deleted in its entirety and replaced with the following: Neither the provisions of this Code nor the Technical Codes, shall deprive any Federal or State agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of this Ordinance and/or each respective Technical Code nor of any remedy then or thereafter existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

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

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 “Swimming pool”, to read as follows:**

The provisions of the Standard Swimming Pool Code shall apply to every pool installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances. 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 30 days of filling the pool shall result in an inspection rejection.

**Chapter 1, is hereby amended by adding new Section 101.4.9.3, entitled “Maintenance”, to read as follows:**

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

**Chapter 1, Section 103.3, entitled “Stop work orders”, has been deleted in its entirety and replaced with the following:**

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 104.1.1.1, entitled “Additional requirements”, to read as follows:**

When permits or fees are not required, all construction shall comply with the City of Marco Island codes and ordinances or be consistent with section 104.2.3 herein. If inspections are required by the Building Official or requested by the applicant, the appropriate fees shall be paid as established herein.

**Chapter 1, is hereby amended by adding new Section 104.1.7, entitled “Prohibited activities prior to permit issuance”, to read as follows:**

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, a bond, letter of credit or certified check shall be submitted equal to 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 104.2.1.1, 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 a wind load, consistent with the Standard Building Code, Section 1606.
  - (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. All drawings, specifications and accompanying data required by the Building Official to be prepared by an architect or engineer shall be affixed with the official seal and dated signature.
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 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 110 mph wind loading requirements of Chapter 16 of the 1997 edition of the SBC.

(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: Engineering is not required for aluminum structures if the standards within the "AL-1" manual for Aluminum Structures are submitted by an approved contractor of that service. The approved contractor shall submit for review purposes, the highlighted specifications, details and materials to be used from the manual along with a fully dimensioned plan, elevations and a large scale section of the proposed structure. A releasing spline that is rated for sixty (60) mph that secures the screen to the frame shall be used on all structures to preserve the main frame structure from 110 mph winds.

(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.

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.

11. Foundation Pile or Test Pile Permit Procedure:

- (a) Apply for a building permit with complete plans.
- (b) Apply for a foundation permit with complete plans.
- (c) Applications are reviewed and fees are calculated.
- (d) A bond, letter of credit or cashier's check equal to an amount, as agreed upon by the Building Official.
- (e) A contract signed between the City and the owner of the property where the foundation and building are proposed.
- (f) The entire project permit fee shall be paid at the time of issuance of the foundation permit.

**Chapter 1, Section 104.2.3, entitled "Design professional",** has been deleted in its entirety and replaced with the following:

The design professional shall be a duly licensed architect or engineer legally registered under the laws of the State of Florida relating to the regulation of the practice of architecture and engineering as per Florida Statutes 471 and 481. Plans, drawings, specifications and accompanying data shall be signed and sealed with a raised embossed type seal by the design professional for the following types of projects:

1. All Groups A, B, E, F, H, I, M, and S buildings as defined by the Standard Building Code, including new construction, additions, alterations and tenant improvements;
2. All Group R1 and R2 residential buildings as defined by the Standard Building Code, including new construction, additions, alterations and tenant improvements;
3. Group R3 residential buildings, if any of the following conditions exist:
  - (a) When the building is located within the "Coastal Construction Zone V" or the "Coastal Construction Zone AE" (5000 ft. land ward), the entire structural system shall be certified by a professional. Structures under 3500 sq. ft. under roof are exempt, however the structural system below the BFE shall be certified by an architect or an engineer and a final inspection prior to the insulation inspection shall be made by a professional and a letter from the inspecting professional certifying that the structure conforms to the 110 mph. winds as required by the Standard Building Code shall be required.
  - (b) When the gross square feet under roof within the perimeter tie beam of the structure exceeds 3,500 square feet or one (1) story in height.
  - (c) When the building official determines the project is unusually complex;
  - (d) When required by some other federal, state or local requirement.
4. Proposed non-structural improvements are exempted from this requirement unless invoked by the building official or authorized representative, when the complexity, replacement nature, or size of the project warrants the involvement of a design professional.
5. Plans for new construction or any change in existing electrical installation over 400 amps on residential and over 400 amps on commercial or industrial shall be prepared by, and each sheet shall bear the impress seal of, a Florida Registered Professional Engineer or architect and shall conform with the laws of the State of Florida. The plans shall

show the calculations, panel schedules, size of service and maximum available fault current and interrupting capacity of main and sub-feeder breakers or fuses, wires and conduit, the location of service switches and center or centers of distribution, and the arrangement of circuits showing the number of outlets connected thereto. The Building Official shall examine all the duties of the architect, engineer and builder to obtain meter and conduit locations from all utility companies for all types of service before construction is commenced. Such meter and conduit locations shall be indicated on the drawings.

6. The installation of the wiring, apparatus or equipment for light, heat or power, within or attached to any building or premises whether for private or public use, shall be done in accordance with the approved plans and specifications and shall conform to the City Electrical Code. Any changes or omissions in the wiring system from that shown on permitted plans must be reviewed by the Building Official and the request for the change shall be made by the permit holder, and approved by the engineer or architect of the original plan. Three (3) copies of the plan showing the change must be submitted with all sheets bearing the original engineer's seal as provided for above.

**Chapter 1, is hereby amended by adding new Section 104.6.4, entitled "Waste materials management", to read as follows:**

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 104.6.5, entitled "Dust control", to read as follows:**

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 104.6.6, entitled "Noise control", to read as follows:**

Construction activities are permitted as per the Collier County Noise Ordinance, No. 93-77, as may be amended.

**Chapter 1, Section 104.7.2, entitled "Work commencing before permit issuance", has been deleted in its entirety and replace with the following:**

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 104.7.4, entitled “ Schedule of permit fees”,** has been deleted in its entirety and replaced with the following:

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 \$0.03 per square foot. The minimum fee shall be \$35.00.
- 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, duct work, 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 \$35.00. 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 a fee of \$125.

**11. Seawall permit.** The licensed contractor who either repairs or removes and replaces a seawall shall be required to obtain a permit and pay a fee of \$3.00 per lineal foot. The minimum fee shall be \$75.00.

**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. (See Collier County Ord. #86-5 and #85-2.)

**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, docks, swimming pools and spas 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 \$35.00.

**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, seawalls or boat lifts, must first obtain a permit and pay a flat fee of \$35.00.

**17. 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.

**18. Impact fees imposed by County.** Impact fees imposed by chapter 74, Collier County Code of Ordinances, shall be paid to the City of Marco Island prior to issuance of the building permit, unless otherwise provided for in chapter 74.

**19. 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.

**20. 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 (19) above. An administration fee of \$35.00 will also be charged. Additional plan review fees may be charged for extensive changes.

**21. Inspection Fees.**

Normally, all inspection fees are included in the cost of the permit fee. If inspections are needed that are not covered by the permit fee, or for a re-inspection, then they shall be charged at a rate of \$35.00 each.

(a) Inspections after hours. All inspections requested for after normal business hours and on weekends or holidays shall be billed at a rate of twice the normal fee.

(b) Re-inspection fees. Every contractor and subcontractor that calls for an inspection and the work is not complete and ready to be inspected at the time he or she called for the inspection to be made or if the work does not conform to code and/or approved drawings, then a \$35.00 re-inspection fee will be charged for each time it is necessary for the inspector to make additional inspections until the work is approved. This fee shall be paid before a Certificate of Occupancy is issued for the project. The Building Official may waive this fee in cases of extenuating circumstances.

**22. Radon Fee.** Pursuant to Chapter 10D-91, Florida Administrative Code, a fee of \$0.01 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, the fee shall be computed on the area under roof being added. For alterations or renovations, the fee shall be computed on the changed area under roof. 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.

**Chapter 1, is hereby amended by adding new Section 104.7.6, entitled “Tenant improvements”, to read as follows:**

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 Occupancy. 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 104.7.7, entitled “Permit Expiration”, to read as follows:**

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 105.6, entitled "Building (4) - Partial building inspections", to read as follows:** 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, entitled "Building (5) – As-Built survey", to read as follows:**

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.

**Chapter 1, is hereby amended by adding new Section 105.11, entitled "Accessibility for building inspectors", to read as follows:**

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, is hereby amended by adding new Section 106.1.4, entitled “Temporary/Contingent occupancy”, to read as follows:**

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 111, entitled “Licensed Contractor/Designated Agent”, to read as follows:**

1. All construction within the city limits shall be performed through and supervised by a licensed general contractor. Whenever a licensed contractor desires to designate an agent to submit, apply for 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.

**Exceptions:**

- (a) Owner-builders of their own single-family residence
- (b) If only one (1) trade requiring a permit is employed to do the work and no structural work is involved.
- (c) If the work involves total demolition and no new work will be done.
- (d) In all cases, the work being done must be permitted to licensed contractors qualified to do the work specialty involved.

**Chapter 1, is hereby amended by adding new Section 112, entitled “Unlicensed contractor”, to read as follows:**

- (c) 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 113, entitled “Notice of commencement”, to read as follows:**

A Notice of Commencement shall be posted in accordance with F.S. §713.13. No inspections shall be conducted unless and until the Notice of Commencement is posted.

## SECTION 2. RELATIONSHIP TO BUILDING CONSTRUCTION CODE (B.C.C)

**That Chapter 1, Administration, has been deleted in its entirety** from the following codes, and that reference to Chapter 1 of said codes shall be interpreted to mean this ordinance:

1. Standard Building Code, 1997 edition, including only appendixes A, D, and F.
2. Standard Mechanical Code, 1997 edition, including only appendix A.
3. Standard Plumbing Code, 1997 edition, including only app. B, C, D, E, and F.
4. National Electrical Code, 1996 edition.
5. Standard Gas Code, 1997 edition, including only appendixes A and E.
6. Standard Swimming Pool Code, 1997 edition.
7. Standard Amusement Device Code, 1997 edition.
8. Standard Unsafe Building Abatement Code, 1985 edition.

## 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

1. Pursuant to Section 162.22, Florida Statutes, a person found to be in violation of this Ordinance may be charged a fine, not to exceed \$500.00, and may be sentenced to a definite term of imprisonment, not to exceed 60 days.
2. Violations of this ordinance may also be prosecuted before the Code Enforcement Board, established by the City of Marco Island, pursuant to Ordinance No. 98-04.

**SECTION 5. EFFECTIVE DATE**

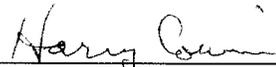
This Ordinance shall take effect immediately upon adoption by the Marco Island City Council.

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 21st day of September, 1998.

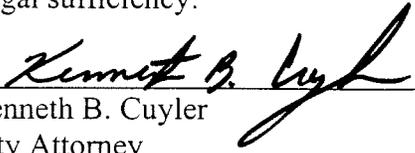
Attest:

CITY OF MARCO ISLAND, FLORIDA

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

BY:   
\_\_\_\_\_  
Harry Cowin, Chairman

Approved as to form and  
Legal sufficiency:

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

Naples Daily News  
Naples, FL 33940

Affidavit of Publication  
Naples Daily News

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

REFERENCE: 054361  
57746499 SECOND READING & PUB

State of Florida  
County of Collier

Before me 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 corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 09/09

AD SPACE: 50.000 INCH  
FILED ON: 09/09/98

Signature of Affiant B. Lamb

Sworn to and Subscribed before me this 10 day of Sept 1998

Personally known by me Judith A. Flanigan

SECOND READING & PUBLIC HEARING  
ORDINANCE NO. 98-17  
CITY OF MARCO ISLAND  
The City Council of Marco Island, meeting in regular session at 6:00 p.m. on September 21, 1998, at the Marco Island YMCA, 101 Sand Hill Street, Marco Island, Florida, will consider:

AN ORDINANCE ADOPTING BY REFERENCE CHAPTER ONE, ADMINISTRATION OF THE STANDARD BUILDING CODE, AS AMENDED BY THIS ORDINANCE, TO ESTABLISH THE CITY OF MARCO ISLAND ADMINISTRATIVE CONSTRUCTION

CODE ACTING AS THE ADMINISTRATIVE CHAPTER FOR THE BUILDING, MECHANICAL, PLUMBING, ELECTRICAL, GAS, SWIMMING POOL, AMUSEMENT DEVICES AND UNSAFE BUILDING ABATEMENT CODES, STANDARDS, AND APPENDICES AS REFERENCED AND ADOPTED BY THE THE CITY OF MARCO ISLAND, PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY, PROVIDING FOR PENALTIES, AND PROVIDING AN EFFECTIVE DATE.

Members of the Public are invited to make oral or written comments in regards to this Petition.  
September 9 No. 1269987



Judith A. Flanigan  
MY COMMISSION # 00508787 EXPIRES  
February 19, 2000  
BONDED THRU TROY FAIN INSURANCE, INC.