

RESOLUTION NO. 11-09

A RESOLUTION TO AMEND THE FEE SCHEDULE CONTAINED IN THE CITY OF MARCO ISLAND CODE OF ORDINANCES, CHAPTER 6 BUILDING AND BUILDING REGULATIONS, ARTICLE III, SECTION 108; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 6-108 provides that the fee rate schedule will be evaluated annually to make adjustments to keep the income generated in line with expenses, and

WHEREAS, City Council is authorized to amend, modify, or otherwise change, delete or add to the listed fees by resolution; and

WHEREAS, all other sections of Chapter 6 adopted by ordinance remain in effect.

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

Section 1 The text of Section 108 of Chapter 6 of the Code of Ordinances of the City of Marco Island, Florida shall be replaced with the text contained in "Exhibit A" hereto attached.

Section 2. Incorporation, Conflict, and Severability.

- (1) It is the intention of the City Council and it is hereby resolved that the provisions of this resolution shall become and be made a part of the Code of Ordinances of the City of Marco Island, Florida, and that the sections of Chapter 6 may be renumbered or relettered 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 Ordinances of the City of Marco Island, all ordinances or parts of ordinances, all resolutions or parts of resolutions, in conflict herewith, be and the same are hereby repealed to the extent of the conflict.
- (3) If any word, phrase, clause, subsection, or section of this resolution is for any reason held unconstitutional or invalid by a court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of the resolution.

Section 3. Effective Date.

This Resolution shall take effect on October 1, 2011.

Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 20th day of June, 2011.

Attest:



Laura Litzan, City Clerk



Gerard M. Gibson, Chairman

"Exhibit A"

SECTION 108 FEES

108.1 Prescribed fees.

A permit shall not be issued until fees authorized under s. 553.80 Florida Statutes have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical or gas systems, has been paid.

Florida Statute 553.80(7) provides that the governing bodies of local governments may provide a schedule of reasonable fees, as authorized by Florida Statutes 125.56 or 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances shall be carried forward to future years for allowable activities or shall be refunded at the discretion of the local government. The basis for a fee structure for allowable activities shall relate to the level of service provided by the local government and shall include consideration for refunding fees due to reduced services based on services provided as prescribed by FS 553.791, but not provided by the local government. Fees charged shall be consistently applied.

108.2 Schedule of permit fees.

On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

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. 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.

NOTE: New rates apply to any permit submitted, after the effective date of this resolution. New rates also apply to any permit that is Revised or Re-issued.

NOTE: For Fire Fees see Marco Island Code of Ordinances, Chapter 22. For Public Works Fees see Marco Island Code of Ordinances, Chapter 42.

108.2.1 Permit fees.

1) New Single Family:

Residential Structure ~~\$0.40~~ **\$0.50** per square foot under roof. Electric, Plumbing, Mechanical and Roofing as shown below. ~~See also Public Works Fee Schedule.~~

2) New Commercial / Multifamily structure:

~~\$0.40~~ \$0.50 per square foot under roof. Electric, Plumbing, Mechanical and Roofing, Site Work as below. ~~See also Fire Fee Schedule and Public Works Fee Schedule.~~

3) Additions and alterations:

Same as New Single Family or New Commercial / Multifamily except, remodeling work in a multifamily dwelling unit: \$160.00 for permits where there are only three required Florida Building Code inspections. \$250.00 flat fee for all other multifamily dwelling unit remodel permits.

4) Electrical permit: ~~\$0.07~~ \$0.10 per square foot under roof, minimum fee ~~\$50.00~~ \$75.00. Electric permit for water heater disconnect, or pool heater reconnection: \$25.00.

5) Mechanical permit: ~~\$0.07~~ \$0.10 per square foot, minimum fee ~~\$50.00~~ \$75.00.

6) Plumbing permit: ~~\$0.07~~ \$0.10 per square foot, minimum fee ~~\$50.00~~ \$75.00.

- a) Water Heater Replacement: only when there is a change in location of the device or change in type of device \$75.00, plus electric permit when applicable.
- b) Reclaimed Water System Permit: \$100.00 flat fee.
- c) Water closet replacement \$25.00.

7) Window / door replacement:

- a) ~~Commercial: \$50.00 per required inspection. See also Fire Fee Schedule.~~
- b) ~~Single Family Residence: \$40.00 for the first opening, \$20.00 for each additional opening, maximum \$100.00. \$50.00 for the first opening; \$10.00 for each additional opening; \$150.00 maximum per house or dwelling unit, or \$150 maximum per floor for common area work in condominiums or commercial buildings.~~

8) Roofing permit:

- a. \$150.00 flat fee.
- b. Roof coating work: ~~\$50.00~~ \$60.00 flat fee.
- c. Certify Re-roof Mitigation form, inspection performed from the roof side:
- d. \$35.00 for roof deck nailing inspection, includes secondary water barrier inspection.
- e. \$70.00 for roof to wall connections inspection.

9) Demolition/moving:

- a. Interior demolition \$0.05 per square foot, minimum fee \$70.00 flat fee.
- b. Single Family home \$200.00 flat fee.
- c. Commercial or Multifamily structure \$300.00 flat fee.
- d. Moving Permit \$150.00 flat fee.
- e. Accessory Structure: \$50.00 per inspection.

~~NOTE: Fees waived when Fire Department or Law Enforcement uses the property for training purposes.~~

10) Site work permit:

- a. \$0.02 per square foot of work ~~area non-pervious work~~, minimum fee ~~\$50.00~~ \$60.00.

- b. New driveways, driveway replacements, and driveway modifications for one and two family properties: \$100.00 flat fee.
- c. See also Public Works Fee Schedule. For work in the Right-of-Way see Chapter 42.
- d. Irrigation systems: ~~\$50.00~~ \$60.00 flat fee for one and two family. \$100.00 flat fee for commercial.

NOTE: Wells are permitted at the appropriate Collier County office, however electric services and connections must be permitted and fees are charged as in section 108.2.1(4) of this code.

11) LP gas: Commercial: See also Fire Fee Schedule.

- a. Single Family and Commercial ~~\$50.00~~ \$100.00 flat fee.

12) Seawall permits:

- a. Install, Repair, Replace Seawall ~~\$1.50~~ \$2.00 per linear foot, minimum ~~\$50.00~~ \$150.00.
- b. Shoring, Rip-Rap, Reinforcement: \$0.75 per linear foot, minimum ~~\$50.00~~ \$60.00.
- c. Minor Repairs & Maintenance: \$0.40 per linear foot, minimum ~~\$50.00~~ \$60.00.
- d. Dredging: \$75.00 flat fee.

13) Swimming pools and spas:

- a. Single family: ~~\$120.00~~ \$200.00 flat fee (includes electric).
- b. Multifamily / commercial: \$0.25 per square foot, minimum of ~~\$120.00~~ \$200.00 plus Electric as shown above.

14) Other accessory structures: Commercial: See also Fire Fee Schedule.

- a. Detached garages, carports with structural roof systems, bath houses, covered walkways: \$0.40 per square foot of structure, minimum fee ~~\$140.00~~ \$200.00, plus roof, electric and plumbing as shown above.
- b. Concrete column & tiebeam system on concrete deck: \$175.00 (single family only).
- c. Screen cages, carports w/ pan roof systems, gazebos, chickee huts, retaining or privacy walls: \$70.00 flat fee.
- d. Docks: \$0.15/SF, ~~\$50.00~~ \$100.00 minimum fee for commercial and single family, plus electric and plumbing as shown above.
- e. Signs: flat fee of \$70.00, plus electric as shown above.
- f. Fences, screen walls: \$50.00 per required inspection.
- g. Aluminum railings or guardrails: \$50.00 per required inspection.
- h. Shutters: ~~\$50.00 for the first opening; \$10.00 for each additional opening; \$150.00 maximum per house or unit, or \$150 maximum per floor for common area work in condominiums or commercial buildings. Plus electric as shown above.~~
 - a. ~~Commercial: \$50.00 per required inspection. See also Fire Fee Schedule.~~
 - b. ~~Single Family Residence: \$40.00 for the first opening, \$20.00 for each additional opening, maximum \$100.00.~~
 Impact protection mitigation form: \$10.00 each request.
- i. Antennas: \$50.00 per required inspection.
- j. Boat lifts: flat fee of \$50.00 each.
- k. Flagpoles over 15 ft high: Direct burial system no fee will be charged. If a foundation is required the fee is \$50.00 per required inspection.

- l. Wood deck or concrete deck: \$50.00 per required inspection.

15) **Engineer Certified permit:** \$500.00 flat fee.

16) **Foundation permit:** \$500.00 flat fee. Non refundable, at risk permit. Any work performed will be removed at the applicant's expense, if the main permit cannot be, or is not issued.

17) **Test pilings:** \$75.00 plus Bond or Deposit to cover cost of removing pilings if main permit cannot be, or is not issued. See also Section 105.2.3.

108.2.2 Inspection fees.

1) Private inspections:

If a private inspection service will be used, the private inspector must be appropriately licensed and insured, must register with the city, must sign an affidavit for each trade being privately inspected on the applicable permit. All other permits and processes, associated with the permit being privately inspected, will be unaffected.

2) Unusual cases or configurations:

As determined by the Building Official: A minimum of \$50.00 for each required inspection. Fee for any permit not specifically mentioned shall be determined by the Building Official.

3) Bulk rate permits:

Multiple permits for repeat work, to be performed in one building as part of one project:

- a. Equals over ten (10) permits: ~~\$30.00 per inspection~~, 20% discount.
- b. Equals over 25 permits: ~~\$25.00 per inspection~~, 30% discount.
- c. Equals over 50 permits: ~~\$20.00 per inspection~~, 40% discount.
- d. Adjustments may be made by the Building Official based on the scope of work and required inspections.

Work must be scheduled to accommodate the Inspection Department in order to receive the discount.

4) Miscellaneous inspections:

- a. Pre-permit inspection: ~~\$35.00~~ \$50.00 flat fee.
- b. Courtesy Inspection: ~~\$35.00~~ \$50.00 flat fee.
- c. Timed Inspection: ~~\$50.00~~ \$70.00 flat fee.

5) Re-inspections:

- a. 1st \$50.00 flat fee,
- b. 2nd \$75.00 flat fee.
- c. 3rd and subsequent \$100.00 flat fee.

6) Partial inspections:

Any partial inspection: \$50.00. Partial inspections may not be used to extend a permit.

108.3 Building Permit valuation.

If, in the opinion of the Building Official, the claimed valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the

permit shall be denied, unless the applicant can show detailed estimates, and/or bona fide signed contracts (excluding land value) to meet the approval of the Building Official. For permitting purposes, valuation of buildings and systems shall be total replacement value to include structural, electric, plumbing, mechanical, interior finish, normal site work (excavation and backfill for buildings), architectural and design fees, marketing costs, overhead and profit; excluding only land value. Valuation references should be comparable to local valuation standards, and approved by the Building Official.

108.4 Work commencing before permit issuance.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the Building Official's approval or the necessary permits shall be subject to a penalty of 300 percent of the usual permit fee in addition to the required permit fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. The Building Official has the final determination of whether the work performed meets the exemption criteria. The Building Official should be contacted before work is performed whenever reasonable. When work is performed under this exemption the permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a penalty fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The Building Official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

108.5 Related fees.

1) Plan review:

A fee equal to fifteen (~~15~~) twenty-five (25) percent of the permit fees as listed herein will be charged at the time an application for a permit is received. This fee is not refundable, nor is it credited to any other fee. Plan review fees will be collected at the time of application.

2) Plan revisions:

- a. \$50.00 per minor revision.
- b. \$100.00 per major revision.
- c. Additional plan review fees may be charged for extensive changes.
- d. \$50.00 per occurrence: change scope of work before permit is issued, or submittal found to be substantially lacking prerequisite documents, causing additional plan reviews.
- e. \$20.00 per occurrence: submittal of additional supporting documents to the permit file, causing additional plan reviews.

3) Electronic data conversion: 5% of the total permit cost. Minimum fee \$5.00 Maximum fee \$300.00. Fee capped at \$100.00 if documents are also provided in electronic format.

4) As-built plans: \$3.00/ blueprint page. Fee waived if documents are provided in electronic format.

5) Stop work orders:

When permitted work is stopped for non-compliance with codes, policies, or safety issues: \$100.00 each offense. If a stop work order is not corrected in a time deemed reasonable by the Building Official,

based on the reason for the offense, then Code Compliance will issue a notice of violation to the contractor.

6) Expired permits:

No subsequent inspections or other permits will be issued until all the fees are paid and the permit has been finalized, *or the permit has been re-issued.*

7) Permit extension:

The cost of a 90 day extension is equal to 50 percent of the cost of the original permit fee, maximum fee \$500.00. Only applicable if applied for prior to permit expiration. **NOTE:** Failure to finalize a permit ~~within 180 days from prior to~~ the date of expiration will cause the permit to be considered abandoned, requiring reissuance of the permit prior to continuation.

8) Permit re-issuance:

The cost of the ~~original~~ permit fee, at the current rate, maximum fee \$500.00.

9) Copies:

Replacement inspection card \$10.00. Standard sized copies \$0.15 per sheet.
Blueprints sent to vendor to be copied: \$20.00 will be paid to the City for processing. The person requesting copies will pay the vendor directly for the actual copies.

10) Change of contractor:

For change of primary contractor an administrative fee of \$50.00 will be charged. The fee includes costs for a copy of the inspection card and copying of blueprints, if requested. Cost of copies to be paid directly to vendor.

11) Other services:

Other services not specified in this section shall be billed at actual cost of time, benefits, material, and outside services, plus an administrative fee of 20 percent as determined by the ~~Community Development Director or designee~~ Building Official or designee.

12) Temporary Certificate of Occupancy Administrative Fee: Flat Fee of \$100.00

108.6 Refunds: No refunds will be given if work has commenced. No refunds will be given if a permit has expired. No refunds will be given on any plan review fee. No refunds will be given on permits of \$50.00 or less, unless issued in error, by the city. Refunds of all other permits shall be limited to 75 percent of the permit fee.

108.7 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.

108.8 State surcharges.

1) **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 collected 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.

Building Code Administrators and Inspectors Fund.— In order for the Department of Community Affairs to administer and carry out the purposes of this part and related activities, there is hereby created a surcharge, to be assessed at the rate of 1.5 percent of the permit fees associated with enforcement of the Florida Building Code as defined by the uniform account criteria and specifically the uniform account code for building permits adopted for local government financial reporting pursuant to s. 218.32. The minimum amount collected on any permit issued shall be \$2. The unit of government responsible for collecting a permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect such surcharge and electronically remit the funds collected to the department on a quarterly calendar basis beginning not later than December 31, 2010, for the preceding quarter, and continuing each third month thereafter, and such unit of government shall retain 10 percent of the surcharge collected to fund the participation of building departments in the national and state building code adoption processes and to provide education related to enforcement of the Florida Building Code. All funds remitted to the department pursuant to this section shall be deposited in the Operating Trust Fund. Funds collected from such surcharge shall be used exclusively for the duties of the Florida Building Commission and the Department of Community Affairs under this chapter and shall not be used to fund research on techniques for mitigation of radon in existing buildings. Funds used by the department as well as funds to be transferred to the Department of Health shall be as prescribed in the annual General Appropriations Act. The department shall adopt rules governing the collection and remittance of surcharges in accordance with chapter 120.

2) **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 collected 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.

468.631 Building Code Administrators and Inspectors Fund.—

(1) This part shall be funded through a surcharge, to be assessed pursuant to s. 125.56(4) or s. 166.201 at the rate of 1.5 percent of all permit fees associated with enforcement of the Florida Building Code as defined by the uniform account criteria and specifically the uniform account code for building permits adopted for local government financial reporting pursuant to s. 218.32. The minimum amount collected on any permit issued shall be \$2. The unit of government responsible for collecting permit fees pursuant to s. 125.56 or s. 166.201 shall collect such surcharge and shall remit the funds to the department on a quarterly calendar basis beginning not later than December 31, 2010, for the preceding quarter, and continuing each third month thereafter; and such unit of government shall retain 10 percent of the surcharge collected to fund the participation of building departments in the national and state building code adoption processes and to provide education related to enforcement of the Florida Building Code. There is created within the Professional Regulation Trust Fund a separate account to be known as the Building Code Administrators and Inspectors Fund, which shall deposit and disburse funds as necessary for the implementation of this part. The proceeds from this surcharge shall be allocated equally to fund the Florida Homeowners' Construction Recovery Fund established by s. 489.140 and the functions of the Building Code Administrators and Inspectors Board.

(2) The unit of government responsible for collecting permit fees under this section shall report to the department quarterly the number of permits issued for under-roof floor space during the quarter, the total square footage for the number of permits issued for under-roof floor space during the quarter, and the calculation of the amount of funds being remitted to the department. The report shall be attested to by the officer in charge of collecting permit fees.