

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

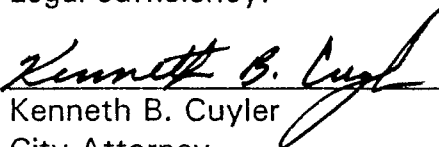


A. William Moss
City Manager/City Clerk

BY: 

E. Glenn Tucker, Chairman

Approved as to form and
Legal sufficiency:



Kenneth B. Cuyler
City Attorney