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AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING CHAPTER 22 “FIRE PREVENTION AND PROTECTION,” ARTICLE II “FIRE PREVENTION AND PROTECTION CODE,” OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES TO CREATE SECTION 22-39 “FEES; PAYMENT DEADLINE; ENFORCEMENT,” TO IMPOSE FEES, TO ESTABLISH A DEADLINE FOR THE PAYMENT OF FEES IMPOSED BY CHAPTER 22 AND TO PROVIDE THAT THE FAILURE TO TIMELY PAY SUCH FEES CONSTITUTES AN ENFORCEABLE VIOLATION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 633.214, Florida Statutes, authorizes municipalities to adopt and enforce ordinances pertaining to fire safety and provides for penalties for violations thereof; and

WHEREAS, Chapter 22 does not presently establish a deadline for the payment of Fire Rescue Department related fees or a mechanism for enforcing nonpayment; and

WHEREAS, the City Council finds that establishing a payment deadline and providing for enforcement of unpaid fees through the City's code enforcement procedures set forth in Chapter 14 of the Code is necessary to ensure the recovery of the costs of providing fire prevention and protection services and is in the best interest of the public health, safety, and welfare of the residents of the City.

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

SECTION 1. Recitals. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true, correct, and reflective of the legislative intent underling this Ordinance.

SECTION 2. City Code Amended. Chapter 22, "Fire Prevention and Protection," Article II, "Fire Prevention and Protection Code," of the City Code is hereby amended by creating Section 22-39, "Fees; Payment Deadline; Enforcement" to read as follows:

ARTICLE II. – FIRE PREVENTION AND PROTECTION CODE

Sec. 22-39. – Fees; Payment Deadline; Enforcement.

1 (a) Imposition of fees. Fees for permits, inspections, plan reviews, re-
2 inspections, malfunctioning or nuisance fire alarms, and all other fire
3 department responses and services provided pursuant to Chapter 22, Article
4 II, shall be imposed in accordance with a fee schedule adopted, and as may
5 be amended from time to time, by resolution of the City Council.

6
7 (b) Payment deadline. All fees imposed pursuant to this Chapter shall be due
8 within forty-five (45) days following notice from the Fire Rescue Department.

9
10 (c) Enforcement. The failure to timely pay any fee imposed pursuant to
11 Chapter 22, Article II, shall constitute a violation of this Code, which may be
12 enforced as provided in Section 14-32 of this Code, and in accordance with
13 Sections 162.09 and 633.214, Florida Statutes, as may be amended from
14 time to time (ordinances pertaining to fire safety; definitions; penalties).

15
16 **SECTION 3. Codification.** It is the intention of the City Council, and it is hereby
17 ordained that the amendments to the City of Marco Island Code of Ordinances made by
18 this Ordinance shall constitute a revised Chapter 22 of the City of Marco Island Code of
19 Ordinances, and that the sections of this Ordinance may be renumbered and re-lettered
20 as necessary.

21
22 **SECTION 4. Conflicts.** All ordinances or parts of ordinances and all resolutions
23 or parts of resolutions in conflict with the provisions of this Ordinance are hereby
24 superseded and resolved to the extent of any conflict in favor of the provisions of this
25 Ordinance.

26
27 **SECTION 5. Severability/Interpretation.**

28
29 (a) If any term, section, clause, sentence or phrase of this Ordinance is for any
30 reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction,
31 the holding shall not affect the validity of the other or remaining terms, sections, clauses,
32 sentences, or phrases portions of this Ordinance, and this Ordinance shall be read and/or
33 applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or
34 section did not exist.

35
36 (b) In interpreting this Ordinance, underlined words indicate additions to
37 existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (*
38 * * *) indicate a deletion from the Ordinance of text, which continues to exist in the Code
39 of Ordinances. It is intended that the text in the Code of Ordinances denoted by the
40 asterisks and not set forth in this Ordinance shall remain unchanged from the language
41 existing prior to adoption of this Ordinance.

1 **SECTION 6. Effective Date.** This Ordinance shall become effective upon its
2 adoption.

3
4 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this ____ day of
5 _____, 2026.

6
ATTEST:

CITY OF MARCO ISLAND, FLORIDA

7 _____
8 Joan Taylor, City Clerk

By: _____
Darrin Palumbo, Chairman

9
10 Approved as to form and legal sufficiency:

11
12 _____
13 Alan L. Gabriel, City Attorney
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