

RESOLUTION 14-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA AUTHORIZING THE SCHEDULE OF CIVIL PENALTIES AND FINES THAT LISTS THE SECTIONS OF CITY CODE OR ORDINANCES WHICH MAY BE ENFORCED PURSUANT TO THE PROVISIONS OF CHAPTER 14 OF THE CITY OF MARCO ISLAND CODE OF ORDINANCE ENTITLED "CODE COMPLIANCE"; AUTHORIZING ENFORCEMENT PURSUANT TO THE PROVISION OF CHAPTER 14 AND PRESCRIBES THE DOLLAR AMOUNT OF CIVIL PENALTY FOR THE VIOLATION; ALLOWING CITY COUNCIL TO AMEND BY RESOLUTION THE CIVIL PENALTIES AND CODES IN THE CITY OF MARCO ISLAND, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to City of Marco Island Chapter 14 Code of Ordinances, a compilation of the governing rules and regulations of the City that fundamentally promotes, protects and improves the health, safety and welfare of City residents the business community; and

WHEREAS, any person or entity who receives a civil violation citation from a City code compliance officer and has committed a civil infraction and shall be subject to a fine in accordance with this schedule of fines.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marco Island, Florida that:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council is authorized to establish and be amended by resolution civil penalties with fines that lists the sections of the code or ordinances which may be enforced pursuant to the provisions of the Code Compliance ordinance and prescribe the dollar amount of civil penalty for the violations.

Section 3. The Schedule of civil penalties is attached as Exhibit A hereto.

Section 4. This resolution shall take effect immediately upon its adoption.

Passed in open and regular session of the City Council of the City of Marco Island, Florida this 1st day of December 2014.

Attest:



Laura M. Litzan, City Clerk


CITY OF MARCO ISLAND, FLORIDA

BY



Larry Sacher, Chairman

Approved as to form and legal sufficiency:



Burt L. Saunders, City Attorney

SCHEDULE OF CIVIL PENALTIES AND FINES

The following table shows the sections of the Code of Ordinances which may be enforced pursuant to the provisions of Chapter 14 of the Code and as provided elsewhere in the Code or by general law, as well as the dollar amount of any civil penalty for the violation of these sections.

The "descriptions of the violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties.

A Code Enforcement Officer, the City's Special Magistrate, or a court of competent jurisdiction may determine the Class Penalty for any violation of the Administrative Construction Code. The violator is still required to pay all permit, inspection and review fees in accordance with the applicable section of City Code.

For each Code section listed in the schedule of civil penalties, the entirety of that section of the Administrative Construction Code may be enforced by the mechanism provided in Chapter 14, regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

CODE ENFORCEMENT VIOLATIONS INCURRING CIVIL PENALTIES

Civil Violation – Classes of Fines:

Violation	Class: Fine Amount
Class A	\$ 50.00
Class B	\$ 75.00
Class C	\$ 95.00
Class D	\$ 100.00
Class E	\$ 200.00
Class F	\$ 250.00
Class G	\$ 400.00
Class H	\$ 500.00

Seawalls and Revetments

Code	Violation Type	Class	Contested
6-83	Failed Seawall or Revetment	D	F
6-85	Technical Specification	D	F
6-87	Manufacture on Vacant Lots	D	F

Administrative Construction Code

<u>Code</u>	<u>Violation Type</u>	<u>Class</u>	<u>Contested</u>
6-111	BUILDING CONSTRUCTION	D	F

Out Door Lighting

<u>Code</u>	<u>Violation Type</u>	<u>Class</u>	<u>Contested</u>
6-145	Maximum Lighting Level	D	F
6-146	Shielding	D	F

Marco Island Lawn & Landscape Maintenance Certification Regulations

<u>Code</u>	<u>Violation Type</u>	<u>Class</u>	<u>Contested</u>
8-73	Regulated Activities	D	F
8-74	Certification Process	D	F
8-75	Duration, Renewal	D	F
8-76	Duty to Carry Certificate	D	F
8-77	Fees	D	F
8-78	Revocation	D	F

Code Enforcement Citations

<u>Code</u>	<u>Violation Type</u>	<u>Class</u>	<u>Contested</u>
14-32	Definition Amendment	D	F
14-75	Civil Infractions	D	F
14-76	Issuance of Citation	D	F

Environmental

<u>Code</u>	<u>Violation Type</u>	<u>Class</u>	<u>Contested</u>
18-33	Penalties & Remedies	D	F
18-34	Findings of Article	D	F
18-36	Prohibited Activities	D	F
18-37	Abatement of Nuisance	D	F
18-40	Enforcement Procedure	D	F
18-104	Noise	F	H

Section 30: LAND DEVELOPMENT CODE INCURRING CIVIL PENALTIES

Code	Violation Type	Class	Contested
Residential Single Family			
30-81	Intent & Purpose	D	F
30-82	Permitted Uses	D	F
30-83	Accessory Uses	D	F
30-84	Conditional Uses	D	F
30-85	Dimensional Standards	D	
30-86	Supplemental Standards	D	F
30-87	Minimum Landscaping	D	F
30-88	Structural & Site Design	D	F
Residential Multiple Family	RMF-6		
30-101	Purpose & Intent	D	F
30-102	Permitted Uses	D	F
30-103	Accessory Uses	D	F
30-104	Conditional Uses	D	F
30-105	Dimensional Standards	D	F
30-106	Parking, Landscaping	D	F
Residential Multiple Family	RMF-12		
30-121	Intent & Purpose	D	F
30-122	Permitted Uses	D	F
30-123	Accessory Uses	D	F
30-124	Conditional Uses	D	F
30-125	Dimensional Standards	D	F
30-126	Parking & Landscaping	D	F
Residential Multiple Family	RMF-16		
30-141	Intent & Purpose	D	F
30-142	Permitted Uses	D	F
30-143	Accessory Uses	D	F
30-144	Conditional Uses	D	F
30-145	Dimensional Standards	D	F
30-146	Parking, Landscaping, Loading	D	

Residential Tourist	RT	Class	Contested
30-161	Intent & Purpose	D	F
30-162	Permitted Uses	D	F
30-163	Accessory Uses	D	F
30-164	Conditional Uses	D	F
30-165	Dimensional Standards	D	F
30-166	Parking, Landscaping, Loading	D	F
Code	Violation Type	Class	Contested
Commercial	C-1		
30-181	Purpose & Intent	D	F
30-182	Permitted Uses	D	F
30-183	Accessory Uses	D	F
30-184	Conditional Uses	D	F
30-185	Dimensional Standards	D	F
30-186	Parking, Loading, Landscaping	D	F
Commercial	C-2		
30-201	Purpose & Intent	D	F
30-202	Permitted Uses	D	F
30-203	Accessory Uses	D	F
30-204	Conditional Uses	D	F
30-205	Dimensional Standards	D	F
30-206	Parking, Loading, Landscaping	D	F
Commercial	C-3		
30-221	Purpose & Intent	D	F
30-222	Permitted Uses	D	F
30-223	Accessory Uses	D	F
30-224	Conditional Uses	D	F
30-225	Dimensional Standards	D	F
30-226	Parking, Loading, Landscaping	D	F

Home Occupation

Code	Violation Type	Class	Contested
30-403	Intent & Purpose	D	F
30-404	Permitted & Prohibited Uses	D	F
30-405	Conditions	D	F
30-406	Notice to discontinue	D	F
30-407	Compliance Regulations	D	F

Landscaping

Code	Violation Type	Class	Contested
30-432	Intent & Purpose	D	F
30-433	Landscaping & Irrigation Plan	D	F
30-434	Pruning & Maintenance	D	F
30-435	Plant Material & Standards	D	F
30-436	Existing Plant Material		
Code	Violation Type	Class	Contested
30-438	Site Distance Triangles	D	F
30-439	Min. Landscaping Required	D	F
30-440	Min. Landscaping Required	D	F
30-441	Buffering & Screening	D	F

Signage

Code	Violation Type	Class	Contested
30-521	Purpose & Intent	D	F
30-522	Temporary Signs	D	F
30-523	Signs Residential	D	F
30-524	Signs Commercial	D	F
30-527	Prohibited Signs	D	F

Temporary Use Permits

Code	Violation Type	Class	Contested
30-791	Purpose & Intent	D	F
30-793	Construction Temp Use	D	F
30-794	Model Home & Sales Center	D	F
30-795	Temporary Sales	D	F
30-796	Community Special Events	D	F
30-797	Motion Picture Permit	D	F
30-798	Penalties Noncompliance	D	F

Supplemental District Regulations

Code	Violation Type	Class	Contested
30-1001	Visibility at Intersections	D	F
30-1007	Parking & Storage Vehicles	D	F
30-1009	Fences	D	F
30-1012	Solid Waste Disposal	D	F
30-1015	Deed Restrictions	D	F
30-1017	Prohibited Animals	D	F
30-1024	Flagpoles	D	F

Sidewalks

Code	Violation Type	Class	Contested
42-32	Purpose & Intent of Article	D	F
42-34	Requirements of New	D	F
42-35	Sidewalk at Intersections	D	F
42-36	Duty of Abutting Sidewalk	D	F
42-37	Duty of Abutting Driveway	D	F

Stopping, Standing and Parking

Code	Violation Type	Class	Contested
50-31	Findings & Purpose	D	F
50-37	Prohibited Parking	D	F
50-38	Handicapped Parking	G	H
50-39	Violations	D	F
50-40	Issuance of Parking Citations	D	F

Beach Management & Vessel Control

Code	Violation Type	Class	Contested
54-33	Penalties, Suspensions	D	F
54-35	Applicability of Article	D	F
54-36	Use & Conduct on Beach	D	F
54-36.1	Beach Permits	D	F
54-38	Concession Operations	D	F

Vehicles on Beach

Code	Violation Type	Class	Contested
54-62	Penalties	D	F
54-63	Intent & Purpose	D	F
54-64	Applicability of Article	D	F
54-65	Driving on Sand Dunes	D	F

Permits for Beach

Code	Violation Type	Class	Contested
54-81	Exemptions	D	F
54-82	Vehicles Requiring Permit	D	F
54-83	Application fee	D	F
54-84	Conditions	D	F
54-85	Temporary permit	D	F
54-86	Expiration	D	F
54-87	Restrictions Sea Turtle		F

Docking Facilities

Code	Violation Type	Class	Contested
54-100	Intent & Purpose	D	F
54-101	Definitions	D	F
54-110	Permitted Accessory Use	D	F
54-111	Dimensional Standards	D	F
54-112	Additional Requirements	D	F
Code	Violation Type	Class	Contested
54-113	Permit & Construction Req.	D	F
54-114	Minor After Fact Encroachments	D	F
54-115	Boat Dock Extensions	D	F
54-116	Boathouses	D	F
54-117	Manatee Protection	D	F

Sea Turtle Protection

Code	Violation Type	Class	Contested
54-141	Purpose & Intent	H	H
54-144	New Development	H	H
54-145	Existing Development	H	H

54-146	Publicly-owned lighting	H	H
54-147	Unlawful to kill, molest	H	H
54-148	Construction during nesting	H	H
54-149	Violations	D	F

Section 22-39: FIRE CODE VIOLATIONS INCURRING CIVIL PENALTIES

VIOLATION TYPE	CODE	DESCRIPTION	Class	Contested
100 Storage				
	101	Improper Storage of Combustible Material	B	D
	102	Improper Storage of Flammable Liquids	D	F
	103	Compressed Gas Cylinders not Secured	B	D
	104	No Placards on Tanks or Cylinders	B	D
	105	Other Unsafe Storage Practices	A	C
	106	LP Tanks Greater than 2.5 Lbs.	B	D
	107	Stairs Used for Storage	B	D
200 Disposal				
	201	Spilled or Leaking Fuel/Chemicals	D	F
	202	Accumulation of Rubbish or Combustibles in Structure	E	G
	203	Accumulation of Flammable Liquids in Structure	B	D
	204	Accumulation of Rubbish or Combustibles Outside	A	C
	205	Accumulation of Flammable Liquids Outside Structure	B	D
300 Improper Handling of Ignition Source			Class	Contested

	301	"No Smoking" Signs Not Posted in Prohibited Area	A	C
	302	Unsafe Use of Torch or Welding Equipment	B	D
	303	Other Unsafe Practices Involving Ignition Sources	B	D
400 Occupancy Issues			Class	Contested
	401	No Occupational License	A	C
	402	Occupancy Type Cannot be Located in Current Location	B	D
	403	Occupant Load Not Posted	B	D
	404	Occupancy Over Crowded	D	F
	405	Assembly Occupancy Has No Seating Plan	B	D
500 Inadequate Exit Facilities				
	501	Exit Deficiency	D	F
	502	Inadequate Number of Exits	D	F
600 Exit Doors				
	601	Door Not Equipped With Approved Exit Hardware	D	F
	602	Fire or Stair Door Lacks Automatic	D	F
700 Exits Blocked				
	701	Aisles Blocked or Obstructed	D	F
	702	Exit Access or Discharge Blocked or Obstructed	D	F
	703	Exit or Stair Blocked or Obstructed	D	F
800 Exits or Egress Path Not Visible				
	801	Exit Camouflaged/Concealed by Curtains/Decorations	B	D
	802	Exit or Directional Signs Not Provided or Visible	B	D
	803	Exit Signs Not Illuminated/Battery Back-Up	A	C
	804	Exit Signs Not Approved Type	B	D

	805	Emergency Lighting Not Provided	A	C
	806	Emergency Lighting Malfunction	A	C
900 Exits				
Unusable				
	901	Exit Doors Inoperative or Locked	D	F
	902	Exit Access Through Rooms Subject to	D	F
	903	Exit Doors Require Too Much Force To	B	D
	904	Stairway Not Properly Maintained	B	D
			Class	Contested
1000 Fire/				
Smoke Doors				
	1001	Doors Will Not Self-Close and/or Latch	B	D
	1002	Doors Propped Open	B	D
	1003	Rating Labels Not Identifiable or Missing	A	C
1100 Fire				
Extinguishers				
	1101	Adequate Number of Extinguishers Not Provided	B	D
	1102	Extinguishers Not Charged or Inoperable	A	C
	1103	Extinguishers Not of the Proper Type or Rating	A	C
	1104	Extinguishers Not Properly Installed	A	C
	1105	Extinguishers Not Inspected or Tagged as Required	B	D
	1106	Extinguishers Not Readily Visible or Accessible	B	D
1200 Fire				
System And				
Standpipes				
	1201	Sprinklers/Standpipe System Not Properly Maintained	B	D
	1202	Sprinkler/Standpipe Control Valves Not Open	D	F
	1203	Sprinkler Heads Obstructed or Too Close to Stock	B	D
	1204	Standpipe Hose Needs Replacing	A	C
	1205	FDC Inaccessible, Absent, or Not Maintained	D	F
	1206	Main Valves Not Locked or Monitored	A	C
	1207	Other Sprinkler/Standpipe Deficiency	B	D

	1208	Back Flow Not Monitored or Chained	A	C
	1209	FDC Blocked by Vehicle	D	F
1300 Fire Alarm System				
	1301	Alarm Deficiencies	C	E
	1302	No Annual Inspection/Test Records	B	D
	1303	Disabled Fire Alarm System	D	F
	1304	Non Permitted Fire Alarm Work	D	F
1400 Fire Doors And Firewalls			Class	Contested
	1401	No Self-Closing Fire Door	B	D
	1402	Fire Door Inoperative	B	D
	1403	Not Approved Rated Fire Door	B	D
	1404	Unprotected Opening in Firewall	B	D
	1405	Unprotected Vertical Openings or Shafts	B	D
	1406	Trash Chute Doors	B	D
	1407	Trash Room Fire Guillotine	B	D
	1408	Inadequate Fire Resistance or Tenant	B	D
1500 Electrical Equipment				
	1501	Overloaded Circuits	B	D
	1502	Service Panel Obstructed	A	C
	1503	Electrical Panels or Junction Boxes Open	A	C
	1504	Fuses, Circuit Breakers Improper Types or Bypassed	D	F
	1505	Building Wiring and Distribution System Unsafe	D	F
	1506	Temporary Wiring or Wiring Not in Conduit	B	D
	1507	Improper Use of Extension Cords	A	C
	1508	Electrical Outlets/Switches Lacking Cover Plates	A	C
	1509	Other Electrical Deficiencies	B	D
1600 Emergency Power Supply			Class	Contested
	1601	No Exercise or Maintenance Log	B	D
	1602	No Test Records	B	D
	1603	Other Emergency Generator Deficiency	B	D

1700 Fire/Pump Hydrants				
	1701	No Exercise or maintenance Log	B	D
	1702	No Annual Test Records	B	D
	1703	Other Fire Pump Deficiency	B	D
	1704	Fire Hydrant Deficiency	B	D
	1705	Fire Hydrants Blocked by Vehicle	D	F
	1706	Fire Hydrant Blocked by Vegetation	D	F
1800 Building Access			Class	Contested
	1801	No Lock Box Provided	B	D
	1802	Keys Not in Box or Wrong Keys	A	C
1900 Apparatus Access/Fire Lanes				
	1901	No EVAC Receiver For Gates	D	F
	1902	Fire Lanes Not Marked	E	G
	1903	Fire Lanes Blocked	B	D
	1904	Drive Width Impeded by Vegetation	C	E
	1905	Drive Height Impeded by Vegetation	C	E
2000 Permits				
	2001	Working Without a Fire Permit	E	G
	2002	Failure to Close Fire Permit with Building Department Within 30 Days of Final Fire Inspection. Fine will be repeated at 60 and 90 days.	E	G
	2003	Failure to close 3 permits in a fiscal year will result in no further permits being issued until rectified.		

POLICE CODE VIOLATIONS INCURRING CIVIL PENALTIES

Code	Violation Type	Class	Contested
4-6	Sales to certain persons prohibited	G	H
4-10	Unlawful Acts in an Establishment	G	H
34-3	Establishment of Rules & Regulations (A - J only)	G	H
34-4	Discharge of Firearms or Fireworks	F	H

54-36i	Aircraft on Beach	G	H
50-39	Parking (Excluding Handicapped)	C	H
50-39	Handicapped parking	G	H
54-1658(1)	Operation of Vessel in Prohibited Manner	G	H
54-168	Damage of Markers or Buoys	G	H

