

ORDINANCE NO. 00-05-02

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, ESTABLISHING A FORTY-FIVE (45) DAY AMNESTY PERIOD COMMENCING WITH THE EFFECTIVE DATE OF THIS ORDINANCE AND AUTHORIZING THE ISSUANCE OF "AFTER THE FACT" PERMITS WITHOUT PENALTIES FOR PROPERTY OWNERS WITH UNPERMITTED STRUCTURES SO AS TO BRING THEM INTO COMPLIANCE WITH THE CITY CODE; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Marathon (the "City") incorporated on November 30, 1999;

and

WHEREAS, prior to the incorporation of the City, all building permits were processed and issued by Monroe County (the "County"); and

WHEREAS, although the City has assumed responsibility for processing and issuing permits, there was a period of time where no permitting process existed for the City, and

WHEREAS, during that time period construction work pertaining to any "structures" may have been performed without a City or County building or development permit; and

WHEREAS, unpermitted work poses a risk to the health, safety and welfare to the residents of the City in that said work may be substandard or incomplete; and

WHEREAS, the City desires to establish an amnesty period to encourage any person who may have initiated construction work without obtaining proper permits to secure the required permits for the construction work pursuant to Chapters 6 and 9.5 of the City Code.'

WHEREAS, it is the intent of this Ordinance to ensure that structures that were constructed, restored or rehabilitated or renovated without City or County permits are brought into compliance with the City Code, and to eliminate buildings made unsafe by unpermitted construction, restoration or rehabilitation work within the City of Marathon.

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. Intent. This Ordinance shall apply to all structures constructed, restored, rehabilitated, renovated, or demolished between November 30, 1999 and the amnesty period created by this Ordinance (the "Amnesty Period").

Section 2. Amnesty Period. There is hereby created a forty-five (45) day Amnesty Period commencing with the effective date of this Ordinance. Within the Amnesty Period, any person who has initiated any unpermitted construction work on any structure may apply for any necessary building permit or development approval without penalty. Notwithstanding any contrary provision of the City Code, the City Building Official is authorized to waive all "after the fact" building permit fees as set forth in Section 6-41 of the City Code, for structures that were constructed, restored, rehabilitated, renovated or demolished without a City or County building permit or development approval. The

^{1/} The Monroe County Code as made applicable to the City pursuant to Section 9(6)(A) of the City Charter, Chapter 99-427, Laws of Florida, and Section 1-5 of the Monroe County Code (the "City Code").
Amnesty - Revised for Second Reading.doc

construction, restoration, rehabilitation, renovation or demolition shall be deemed to be in compliance with the City Code provided that the owner or contractor furnishes evidence satisfactory to the City Building Official and the Planning Director that the construction, restoration, rehabilitation, renovation or demolition of the structure satisfied the requirements of the City Code in effect at the time of the work. The provisions of Section 6-64, et seq. of the City Code providing for suspension or revocation of a contractor's license for initiating construction work without first obtaining a building permit shall be waived for construction started by the contractor during the amnesty period.

Section 3. Enforcement of the Code. Notwithstanding the provisions of this Ordinance, the City may at all times continue enforcement of the City Code through any authorized means, including but not limited to, issuance of a Notice of Violation, demolition of an unsafe structure, or the issuance of a citation. This section shall not be construed or interpreted to serve as a defense against any enforcement action brought by the City based on non-compliance with the current requirements of the City Code.

Section 4. Severability. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. Effective Date. This Ordinance shall be effective immediately upon its adoption on second reading.

The foregoing Ordinance was offered by Councilmember Mearns, who moved its adoption on first reading. The motion was seconded by Councilmember

Johnson, and upon being put to a vote, the vote was as follows:


Mayor Robert Miller	<u>Abstain</u>
Vice Mayor John Bartus	<u>yes</u>
Councilman Frank Greenman	<u>yes</u>
Councilman Jon Johnson	<u>yes</u>
Councilman Randy Mearns	<u>Abstain</u>

The foregoing Ordinance was offered by Councilmember Greenman, who moved its adoption on second reading. The motion was seconded by Councilmember Bartus, and upon being put to a vote, the vote was as follows:

Mayor Robert Miller	<u>Abstain</u>
Vice Mayor John Bartus	<u>Yes</u>
Councilman Frank Greenman	<u>Yes</u>
Councilman Jon Johnson	<u>Yes</u>
Councilman Randy Mearns	<u>Abstain</u>

PASSED on first reading April 25, 2000.

PASSED AND ADOPTED on second reading May 9, 2000.



ROBERT MILLER, MAYOR

ATTEST:



ACTING CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:



ACTING CITY ATTORNEY