

Sponsored by: Puto
City Council Public Hearing Dates: November 23, 2004
December 14, 2004

Enactment Date: December 14, 2004

**CITY OF MARATHON
ORDINANCE 2004 -16**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA,
ESTABLISHING A SIXTY (60) DAY AMNESTY PERIOD
COMMENCING WITH THE EFFECTIVE DATE OF THIS ORDINANCE
AND AUTHORIZING THE REACTIVATION OF LAPSED BUILDING
PERMITS WITHOUT PENALTIES**

WHEREAS, since the incorporation of the City of Marathon, Florida, the building department has issued thousands of permits; and

WHEREAS, through inadvertence, mistake, or circumstances beyond the control of the person or entity that pulled the permit, building permits issued by the City have lapsed and the construction work or development activity authorized thereby has not been finalized or inspected; and

WHEREAS, the City has been unable to issue Certificates of Occupancy or Certificates of Use for the corresponding construction work or development activity; and

WHEREAS, un-finished, incomplete or un-inspected construction work or development activity poses a risk to the health, safety and welfare to the residents of the City; and

WHEREAS, the City desires to establish an amnesty period to encourage any person who may have allowed a building permit to lapse to reactivate the lapsed permit to allow for the completion of the construction work or development activity in question.

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

Section 1. This Ordinance shall apply to all City issued building permits, and which have lapsed through inadvertence, mistake, or circumstances beyond the control of the person or entity that pulled the building permit.

Section 2. There is hereby created a sixty (60) day amnesty period commencing with the effective date of this Ordinance (the "Amnesty Period"). Within the Amnesty Period, any person who has a City building permit that was issued or has lapsed on or after October 1, 2003 may reactivate the building permit 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 the City Code, for any such lapsed City building permit.

Section 3. 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 Ordinance 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.

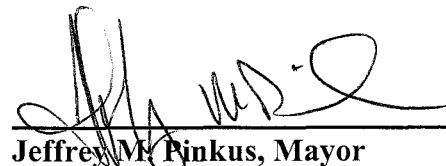
Section 4. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. The Amnesty Period established herein shall automatically expire upon the passage of sixty-one (61) days from the effective date of this Ordinance. Any lapsed permit that has not been re-activated within the Amnesty Period shall be deemed to have expired, and no further construction work or development activity shall take place unless an after-the-fact building permit or development permit shall have been issued by the City.

Section 6. This Ordinance shall be effective immediately upon its adoption on second reading.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this 14th day of December 2004.

THE CITY OF MARATHON, FLORIDA



Jeffrey M. Pinkus, Mayor

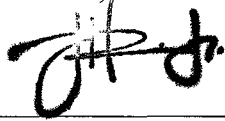
AYES: Bartus, Bull, Mearns, Miller, Pinkus
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Cindy L. Ecklund
City Clerk
(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE
CITY OF MARATHON, FLORIDA ONLY:**

A handwritten signature in black ink, appearing to be "J. H. J.", written over a horizontal line.

City Attorney