

Sponsored by: Cinque  
Introduction Date: February 9, 2010  
Public Hearing Dates: February 9, 2010, February 23, 2010  
Enactment date: February 23, 2010

**ORDINANCE NO. 2010-03**

**AN ORDINANCE AMENDING SECTION 6-55 OF THE CODE OF ORDINANCES, CITY OF MARATHON, FLORIDA, ALLOWING AN AFTER-THE-FACT BUILDING PERMIT TO BE ISSUED TO AN OWNER-BUILDER; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council wishes to allow owner-builders to obtain an after the fact building permit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MARATHON, FLORIDA, AS FOLLOWS:<sup>1</sup>

**Section 1.**     **Recitals.** The above recitals, are true, correct, and incorporated herein by this reference.

**Section 2.**     **Amendment to the Code.** Section 6-55 of the City Code is amended to read as follows:\*\*\*

- (a) When any construction work is undertaken by any person, firm or corporation for any structure, as that term is defined in Chapter 9.5 of the 1984 Code, without a building permit, where a permit is required, then the person, firm or corporation shall pay according to a fee schedule adopted by resolution of the City Council. The payment of such a fee shall neither relieve the person, firm or corporation of fully complying with all other relevant City regulations, City ordinances or State statutes nor of any penalties prescribed therein. Unless otherwise exempt by ordinance, an after-the-fact building permit shall only be issued to a State or City certified or licensed contractor, or owner-builder. No after-the-fact permit shall be issued to an architect or engineer unless he is also a State or City certified or licensed contractor.

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<sup>1/</sup> Provisions added to existing text are shown by underline; provisions deleted from existing text are shown by ~~strikethrough~~.

**Section 3. Repeal of Conflicting Provisions.** All Code provisions, ordinances, resolutions or parts thereof in conflict with this Ordinance are hereby repealed.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance shall become and made a part of the Marathon, Florida Code of Ordinances; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the work "Ordinance" shall be changed to "Section" or other appropriate word.

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


**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this 23<sup>rd</sup> day of February, 2010.**

**THE CITY OF MARATHON, FLORIDA**

  
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**Ginger Snead, Mayor**

AYES: Cinque, Keating, Ramsay, Worthington, Snead  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

  
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Diane Clavier  
City Clerk

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

  
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City Attorney