

The City of Marco Island is reaching out to all contractors who conduct business on the Island to share with you the highlights of our new Listed Species Ordinance #19-01 that became effective on January 7, 2019. Below is the link to the full ordinance and highlights. If you do any kind of work on the Island that includes, but is not limited to, seawall repairs, construction/repairs of new single family homes or commercial businesses, use of vacant lots for staging lots, and the trimming or removal of native or exotic vegetation, this information will be valuable to you.

You may be aware that Marco Island is home to many diverse species of wildlife, including those that are considered endangered and threatened and are protected by state and federal law. These species may be present on the properties you conduct work on. In order to avoid impacting these species and their habitat, and potentially violating local, state and federal laws, we would like you to be aware of the ordinance and ask that you share it with your team.

<https://www.cityofmarcoisland.com/growth-management/page/highlights-new-city-marco-island-listed-species-ordinance-19-01-effective>

Highlights of the new City of Marco Island Listed Species Ordinance #19-01, effective January 7, 2019

Burrowing Owls

- Protection zone requirements now match the setback guidelines established by the Florida Fish & Wildlife Conservation Commission (FWC) for specific activities within the vicinity of Burrowing Owl burrows:
 - a. 10-foot buffer in all directions around the entrance of Burrowing Owl burrows during the non-breeding season (July 11 through February 14).
 - b. 33-foot buffer in all directions around the entrance of Burrowing Owl burrows during the breeding season (February 15 through July 10).

Burrowing Owls & Gopher Tortoises

- For sites where a listed species is found, a protection zone, consisting of silt fencing, must be erected prior to construction activities, and should be installed around two to three sides of each affected burrow, leaving one or two sides open for species ingress and egress. All protection zone enclosures must be removed upon work completion.
- Protection zones can only be entered by an Authorized or Registered Agent, property owner, FWC, and trained City or Audubon staff, volunteers or consultants.

- To prevent unnecessary disturbance, take or burrow collapse, operation and parking of any vehicles or equipment is prohibited within 33' of Burrowing Owl burrows and 25' Gopher Tortoise burrows.

Additional Points to Note

- Feeding any wildlife is prohibited in the City, except the use of bird feeders at least 300 feet from any designated conservation area.
- To protect the regionally significant populations of beach-nesting birds and migratory flocks within the City, the following policies are in effect:
 - a. No trespassing in posted or closed nesting or habitat areas (protection zones).
 - b. Fireworks, dogs and other lethal disturbance sources are prohibited on beaches.
 - c. Drones, kites, and other aerial disturbances are prohibited within 500 feet of *posted* avian listed species nests or habitats.

Penalties

- Violation of this Ordinance will now be subject to the following penalties:
 - 1st Offense: \$150- \$500
 - 2nd Offense: \$500 - \$1,500
 - 3rd Offense: \$1,500 - \$2,500

****Other Friendly Reminders****

Vacant lots are privately owned property. Entering a vacant lot without permission of the property owner is considered a trespassing violation. A Construction Temporary Use Permit must be obtained through the City prior to using a vacant lot. You must also obtain permission from the property owner.

Prohibited uses on vacant lots include:

- Dumping debris or trash
- Storage of construction equipment or materials
- Parking of vehicles, boats or RVs

Please do your part to keep all trash and debris contained on work sites so it does not end up on adjacent lots, on our roads, or in our canals and waterways.