

**COUNCIL AGENDA STATEMENT**



**Meeting Date:** August 27, 2024  
**To:** Honorable Mayor and Council Members  
**From:** George Garrett, City Manager

**Agenda Item:** **Ordinance 2024-09**, Modifying Sections 32-31 And 32-34 Of The City Code Of Ordinances, “Prohibition Or Restrictions On Stopping Or Parking Vehicles; Signs To Be Erected; Penalties” And “Tow Away Zones” In Order To Increase The Penalty For No Parking To \$500.00 For The Sombrero Beach Right Of Way Area And Remove The Sombrero Beach Road Tow Away Zone From The Code Of Ordinances; Providing For Removal Of Any Sections Of The Code Found In Conflict With This Change In The Ordinance; Providing For Severability; Providing For Incorporation Into The Code Of Ordinances; And Providing For An Effective Date.

**BACKGROUND**

The Council at a recent meeting determined to eliminate the Tow Away Zone on Sombrero Beach Road in favor of a No Parking Zone which would otherwise provide for ticketing. The attached Ordinance changes and Resolution accomplish that direction

**CONSISTENCY CHECKLIST:**

	<b>Yes</b>	<b>No</b>
1. Comprehensive Plan	_____	___X___
2. Other – 2010 Sewer Mandate	_____	___X___

**FISCAL NOTE:**

**APPROVED BY FINANCE DIRECTOR:**

**RECOMMENDATION:**

Approval

# Business Impact Estimate Form

This Business Impact Estimate Form is provided to document compliance with and exemption from the requirements of Sec. 166.041(4), Fla. Stat. If one or more boxes are checked below under “Applicable Exemptions”, this indicates that the City of Marathon has determined that Sec. 166.041(4), Fla. Stat., does not apply to the proposed ordinance and that a business impact estimate is not required by law. If no exemption is identified, a business impact estimate required by Sec. 166.041(4), Fla. Stat. will be provided in the “Business Impact Estimate” section below. In addition, even if one or more exemptions are identified, the City of Marathon may nevertheless choose to provide information concerning the proposed ordinance in the “Business Impact Estimate” section below. This Business Impact Estimate Form may be revised following its initial posting.

## Proposed ordinance’s title/reference:

**Ordinance 2024-09**, Modifying Sections 32-31 And 32-34 Of The City Code Of Ordinances, “Prohibition Or Restrictions On Stopping Or Parking Vehicles; Signs To Be Erected; Penalties” And “Tow Away Zones” In Order To Increase The Penalty For No Parking To \$500.00 For The Sombrero Beach Right Of Way Area And Remove The Sombrero Beach Road Tow Away Zone From The Code Of Ordinances; Providing For Removal Of Any Sections Of The Code Found In Conflict With This Change In The Ordinance; Providing For Severability; Providing For Incorporation Into The Code Of Ordinances; And Providing For An Effective Date.

## Applicable Exemptions:

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
  - Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;

- Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

**Business Impact Estimate:**

**The City of Marathon hereby publishes the following information:**

- 1. A summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

This Ordinance (Ordinance 2024-09) eliminates the Tow Away Zone on Sombrero Beach Road in favor of a No Parking Zone (Resolution 2024-69). This ordinance also increases the penalties for parking in this zone to \$500

- 2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the municipality, including the following, if any:**

- (a) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:**

none

- (b) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:**

none

- (c) An estimate of the municipality’s regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:**

We are hopeful that the no parking zone ticketing charge will discourage parking more so than the tow away zone.

- 3. A good faith estimate of the number of businesses likely to be impacted by the ordinance:**

There are two towing companies in town that will be minimally impacted by this ordinance.

- 4. Additional information the governing body determines may be useful (if any):**

This ordinance was created to discourage parking along certain areas of Sombrero Beach Road. This ordinance will eliminate the current tow away zone in favor of a Resolution that will provide for ticketing for parking in the zone. This ordinance will also increase the penalties for parking from \$20.00 to \$500.00. The tow companies did not tow every vehicle due to liability of damage to some more expensive model vehicles.

**Note:** *The City's provision of information in the Business Impact Estimate section above, notwithstanding an applicable exemption, shall not constitute a waiver of the exemption or an admission that a business impact estimate is required by law for the proposed ordinance. The City's failure to check one or more exemptions below shall not constitute a waiver of the omitted exemption or an admission that the omitted exemption does not apply to the proposed ordinance under Sec. 166.041(4), Fla. Stat., Sec. 166.0411, Fla. Stat., or any other relevant provision of law.*

**Sponsored by:** Garrett  
**Introduction Date:** August 27, 2024  
**Public Hearing Dates:** August 27, 2024 / September 10, 2024  
**Enactment Date:** September 10, 2024

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2024-09**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, MODIFYING SECTIONS 32-31 AND 32-34 OF THE CITY CODE OF ORDINANCES, “PROHIBITION OR RESTRICTIONS ON STOPPING OR PARKING VEHICLES; SIGNS TO BE ERECTED; PENALTIES” AND “TOW AWAY ZONES” IN ORDER TO INCREASE THE PENALTY FOR NO PARKING TO \$500.00 FOR THE SOMBRERO BEACH RIGHT OF WAY AREA AND REMOVE THE SOMBRERO BEACH ROAD TOW AWAY ZONE FROM THE CODE OF ORDINANCES; PROVIDING FOR REMOVAL OF ANY SECTIONS OF THE CODE FOUND IN CONFLICT WITH THIS CHANGE IN THE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, said Code Section establishes the specific location and criteria for the development and enforcement of tow away zones; and

**WHEREAS**, this proposed Ordinance modifies the existing Code section to eliminate the Sombrero Beach Road Tow Away Zone and increase the penalty for prohibited parking in the Sombrero Beach Right of Way area to \$500 to discourage parking in the right of way from Spoonbill to Sombrero Beach predicated on previous Council actions; and

**WHEREAS**, modification of this Ordinance is in the best interest of the citizens of the City of marathon, in protection of their life / safety,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:**

**Section 1.** The above recitals are hereby confirmed and adopted.

**Section 2.** Section *32-31 Prohibition Or Restrictions On Stopping Or Parking Vehicles; Signs To Be Erected; Penalties* is hereby modified to read:

1. The City Council may by resolution restrict or prohibit the parking, standing or stopping of vehicles along roads. The roads affected must be posted with signs that state the restriction or prohibition. After posting, no person may park, stop or stand a vehicle in violation of the posted restriction or prohibition.

2. The City Council may by resolution restrict or prohibit the parking, standing or stopping of trucks with a capacity of one ton or more on roads. The road affected must be posted with signs that state the restriction or prohibition. After posting, no person may park, stop or stand such a truck in violation of the posted restriction or prohibition.
3. The City Council may by resolution restrict or prohibit the parking, stopping or standing of vehicles on hazardous or congested portions of roads, intersections or parking lots. The portion of the roads, intersections or parking lots affected must be posted with signs that state the restriction or prohibition. After posting, no person may park, stop or stand a vehicle in violation of the posted restriction or prohibition.
4. The City Council may by resolution restrict or prohibit the parking, standing, or stopping of vehicles along roads during the nighttime hours. The road affected must be posted with signs that state the restriction or prohibition. After posting, no person may park, stop or stand a vehicle in violation of the posted restriction or prohibition.
5. The noncriminal civil penalty for a violation of Subsection (a), (b), (c) or (d) of this Section and of the resolution designating the restricted or prohibited parking area is \$20.00 except within the right-of-way of the Sombrero Beach Park residence to Spoonbill Drive along both sides of the Right-Of-Way of Sombrero Beach Road which shall be \$500.00. The City Council may relax entirely this restriction by their specific direction provided at a Council meeting for requested events and holidays. The 4<sup>th</sup> of July holiday shall be a specific exception for enforcement of this tow away zone. A law enforcement officer or parking enforcement specialist who discovers a vehicle parked in violation of Subsection (a), (b), (c) or (d) of this Section and the resolution may issue a ticket in the form used by the City for parking violators to the driver or, if the vehicle is unattended, attach the ticket to the vehicle in a conspicuous place. The liability for the payment of the ticket is pursuant to Fla. Stat. § 316.1967. Penalties collected under this Section must be remitted to the City's general fund.

**Section 3.** Section 32-34 *Tow away zones* is hereby modified to read:

Sec. 32-34. - Tow away zones.

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(b) Tow Away Zones Established:

- (1) Aviation Boulevard: A tow away zone is established along the entire length of the Aviation Boulevard right-of-way, except for the area off the pavement on the north side of the road within 250 feet west of the intersection of Aviation Boulevard with Stirrup Key Boulevard.
- (2) Harbor Drive: A tow away zone is established along a portion of Harbor Drive, beginning at the intersection of Harbor Drive with Aviation Boulevard, and extending north for 500 feet on both sides of the street, including all land located within the Harbor Drive right-of-way.
- (3) Sombrero Boulevard: A tow away zone is established along the golf course side of Sombrero Boulevard which prohibits parking except in designated parking areas by passenger vehicles only and further prohibits parking of trailers of any type, RVs, travel trailers, fifth wheels, and other similar vehicles.

~~(4) Sombrero Beach Road: A tow away zone is established from the Sombrero Beach Park residence to Spoonbill Drive along both sides of the Right Of Way of Sombrero Beach Road. The City Council may relax entirely this restriction by their specific direction provided at a Council meeting for requested events and holidays. The 4<sup>th</sup> of July holiday shall be a specific exception for enforcement of this tow away zone.~~

**Section 4.** The Provisions of the Marathon Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 5.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall 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 but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6.** It is the intention of the City Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Marathon Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 7.** This Ordinance shall become effective immediately upon adoption on second reading.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10<sup>th</sup> DAY OF SEPTEMBER, 2024.**

**THE CITY OF MARATHON, FLORIDA**

\_\_\_\_\_  
**Robyn Still, Mayor**

AYES:

NOES:

ABSENT:

ABSTAIN:

**ATTEST:**

\_\_\_\_\_  
Diane Clavier, City Clerk

(CITY SEAL)

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

\_\_\_\_\_  
City Attorney, Steven T. Williams