

**CITY OF MARATHON, FLORIDA
RESOLUTION 2015-95**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA; PROVIDING FOR A BINDING REFERENDUM BALLOT MEASURE TO BE PRESENTED TO THE ELECTORS OF THE CITY PROHIBITING OPEN BURNING, OUTDOOR BURNING, AND REFUSE BURNING ON RESIDENTIAL LOTS IN THE CITY OF MARATHON; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORS; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a residential petition was circulated where the required number of signatures were received to place an ordinance prohibiting open burning, outdoor burning and refuse burning on residential lots on the City Council agenda according to the City charter; and

WHEREAS, the City Council has denied the ordinance and authorized it to be placed on the ballot for a binding referendum vote by the electors of the City in accordance with the City charter; and

WHEREAS, the City Council desires to submit to the electors of the City a referendum prohibiting open burning, outdoor burning, and refuse burning on residential lots in the City of Marathon, as described herein.

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

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

Section 2. That a binding referendum election is hereby called, to be held in conjunction with the general election, for Tuesday, the 3rd Day of November, 2015, to present to the electors of the City of Marathon the proposed City code amendment provided in Section 3 of this Resolution.

Section 3. That the form of referendum ballot for the code amendment provided for herein shall be substantially as follows:

Question:

CITIZEN INITIATIVE PETITION PROHIBITING OUTDOOR BURNING ON RESIDENTIAL LOTS

Should the City of Marathon prohibit open burning, outdoor burning, and refuse burning on residential lots in the City of Marathon by ordinance, subject to certain exemptions listed in such ordinance or expressly authorized by Florida law, and with enforcement by any method authorized by law?

_____ YES

_____ NO

Section 4. That in addition to early voting and absentee ballots, balloting shall be conducted between the hours of 7:00 a.m. until 7:00 p.m. at the regular polling places for general elections. All qualified City electors who are timely registered in accordance with law shall be entitled to vote. The City's officials are authorized to obtain any necessary election administration services from the Monroe County Supervisor of Elections.

Section 5. That notice of said election shall be published in accordance with Section 100.342, Florida Statutes, in a newspaper of general circulation within the City at least 30 days prior to said election, the first publication to be in the fifth week prior to the election (to-wit: during the week commencing September 28, 2015), and the second publication to be in the third week prior to the election (to-wit: during the week commencing October 12, 2015), and shall be in substantially the following form:

“NOTICE OF REFERENDUM ELECTION”

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. 2015-95 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA (THE "CITY") A BINDING REFERENDUM ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE CITY, IN CONJUNCTION WITH THE GENERAL ELECTION, ON TUESDAY, NOVEMBER 3, 2015, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING REFERENDUM BALLOT MEASURE SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY.

Question: CITIZEN INITIATIVE PETITION PROHIBITING
OUTDOOR BURNING ON RESIDENTIAL LOTS

Should the City of Marathon prohibit open burning, outdoor burning, and refuse burning on residential lots in the City of Marathon by ordinance, subject to certain exemptions listed in such ordinance or expressly authorized by Florida law, and with enforcement by any method authorized by law?

Yes []

No []

Section 6. Copies of this Resolution proposing the referendum ballot language to prohibit outdoor burning on residential lots are on file in the office of the City located at City of Marathon, 9805 Overseas Highway, Marathon, Florida 33050, and are available for public inspection during regular business hours.

Section 7. That the referendum ballot question shall be a binding measure if approved by a majority of the qualified electors voting on such question.

Section 8. That this Resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Marathon, Florida, this 8th day of September, 2015.

THE CITY OF MARATHON, FLORIDA



Chris Bull, Mayor

AYES: Keating, Zieg, Bull
NOES: Kelly, Senmartin
ABSENT: None
ABSTAIN: None

ATTEST:



Diane Clavier, City Clerk
(City Seal)

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



David Migut, City Attorney