

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2016-66**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A POLICY PROHIBITING COMMERCIAL EVENTS ON SOMBRERO BEACH; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A PROCEDURE FOR GRANTING EXCEPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Stanley Switlik and P. Wanda Switlik conveyed the lands that constitute Sombrero Beach to Monroe County in 1973; and

**WHEREAS**, the County originally accepted the proposed conveyance by County Resolution 88-1971, which noted that the property was being deeded for recreational purposes only; and

**WHEREAS**, shortly after the City of Marathon incorporated, Monroe County deeded Sombrero Beach to the City; and

**WHEREAS**, since at least 1971, Sombrero Beach has been primarily used for recreational purposes; and

**WHEREAS**, it is the intent of the City that Sombrero Beach continue to be used primarily for recreational purposes.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:**

**Section 1.** The foregoing recitals are true and correct and are incorporated herein by this reference.

**Section 2.** Commercial events will not be permitted on Sombrero Beach as a general rule. Any exception to this must demonstrate a specific advantage to the citizens of the City of Marathon and be explicitly approved by a four-fifths supermajority vote of the City Council.

**Section 3.** Any request to hold a commercial event must be submitted to the City at least sixty (60) days before the proposed event. In addition to staff review, the request shall be scheduled to be heard by City Council at the next available regular meeting. The agenda item shall include a staff recommendation. City Council is under no obligation to approve any such event, and shall only approve the request if it finds that the following criteria have been met:

1. The event is consistent with the nature and typical activities associated with Sombrero Beach;
2. The event will provide both an economic and a social benefit to the City of Marathon and its citizens;

3. The facilities of Sombrero Beach are sufficient to handle the needs of the applicant and the general public;
4. The general public will not be severely inconvenienced should the activity take place;
5. The times and duration of the proposed activity are appropriate for Sombrero Beach and the surrounding neighborhood; and
6. The estimated number of persons is appropriate for Sombrero Beach and the surrounding neighborhood.

**Section 4.** If City Council approves an event, it shall assess fees that are reasonable and proportionate to the cost of administration for the event. This shall be in addition to any other fees the applicant may incur for items such as security, cleanup, etc. City Council may also attach any other condition to the approval it feels is necessary to ensure protection of health, safety, and welfare, as well as the recreational nature of Sombrero Beach.

**Section 5.** This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 23<sup>rd</sup> DAY OF AUGUST, 2016**

**THE CITY OF MARATHON, FLORIDA**



**Mark Senmartin, Mayor**

AYES: Kelly, Zieg, Bartus, Coldiron, Senmartin  
NOES: None  
ABSENT: None  
ABSTAIN: None

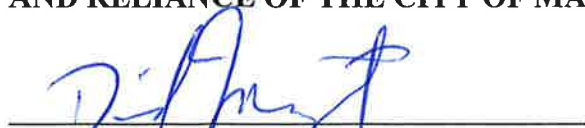
**ATTEST:**



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