

**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

  
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Robyn Still, Mayor

AYES: Gonzalez, Smith, Matlock, Landry, Still  
NOES: None  
ABSENT: None  
ABSTAIN: None

ATTEST:

*By: Heleary H. Palmer*  
Diane Glavier, City Clerk *Deputy Clerk*



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

*Sty will*  
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City Attorney, Steven T. Williams