

**Sponsored by: Puto**  
**Introduction Date: 08/28/2007**  
**Public Hearing Dates: 08/28/2007 and 09/11/2007**  
**Enactment date: 09/11/2007**

**CITY OF MARATHON, FLORIDA**  
**ORDINANCE 2007-31**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, PROVIDING FOR THE ADOPTION OF "THE CODE OF ORDINANCES, CITY OF MARATHON, FLORIDA"; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.**

**WHEREAS**, the City of Marathon (the "City") was incorporated in 1999 and initially adopted the Code of Monroe County; and

**WHEREAS**, since the City's incorporation, the City Council has enacted numerous ordinances that have either supplemented or amended the Codes adopted from Monroe County; and

**WHEREAS**, the City contracted with the Municipal Code Corporation to codify all the ordinances of the City that were adopted prior to August 21, 2006; and

**WHEREAS**, the Municipal Code Corporation has prepared a codification and the City wishes to adopt such codification as its definitive code book;

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

**Section 1.** The City Council hereby adopts the Code entitled "Code of Ordinances, City of Marathon, Florida," published by Municipal Code Corporation, consisting of chapters 1 through 36, each inclusive, a copy of which is on file with the City Clerk (the "Code").

**Section 2.** All ordinances of a general and permanent nature enacted on or before August 21, 2006, and not included in the Code or recognized and continued in force by reference therein, are hereby repealed. The repeal provided for herein shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this Ordinance.

**Section 3.** The City Council hereby acknowledges that (a) any additions or amendments to the Code when passed in such form as to indicate an intention to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments, and (b) ordinances adopted after August 21, 2006, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

**Section 4.** Unless another penalty is expressly provided in the Code, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished to the maximum extent allowed by State law. If a violation of the Code is also a violation of State law, the violation shall be punished in the same manner and within the same limits as are prescribed for such violation of State law. Except as otherwise provided by law or ordinance: (1) with respect to violations of the Code that are continuous with respect to time, each day that the violation continues shall constitute a separate offense; (2) when a violation of the Code is contingent upon the City giving notice of the violation, each day that the violation continues after such notice is given shall constitute a separate offense; and (3) with respect to other violations, each act constitutes a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions and any sanction may be employed in the case of a violation of the Code.

**Section 5.** This Ordinance shall be effective immediately upon enactment.


ENACTED BY THE CITY COUNCIL OF THE CITY OF  
MARATHON, FLORIDA, this 11<sup>th</sup> day of September 2007.

THE CITY OF MARATHON, FLORIDA


  
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Christopher M. Bull, Mayor

AYES: Vasil, Tempest, Worthington, Cinque, Bull  
NOES: None  
ABSENT: None  
ABSTAIN: None

ATTEST:

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

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

  
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City Attorney