

**Sponsored By:** Puto  
**Public Hearing Date:** August 28, 2007 and September 11, 2007  
**Enactment Date:** September 11, 2007

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2007-32**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 5.5 ENTITLED "BOATS, DOCKS AND WATERWAYS" BY AMENDING SECTION 5.5-232(C) RELATING TO WASTEWATER DISCHARGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in an effort to address the management and use of designated vessel anchorage areas and mooring fields, the City Council of the City of Marathon, Florida (the "City"), on January 8, 2002, enacted Ordinance No. 02-01-08, which created Article XX, Chapter 5.5 of the Code of the City of Marathon, entitled "City Waters and Mooring Fields"; and

**WHEREAS**, the City Council wishes to amend Section 5.5-232(c) by adding clarifying language thereto;

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

**Section 1.** Article XX, Chapter 5.5, *Section 5.5-232(c)* of the Code of the City of Marathon is hereby amended to read as follows:

**5.5-232 Wastewater Discharge and Other Activities Prohibited.**

\* \* \* \* \*

(c) With the exception of areas designated by the Ports Manager for emergency purposes, such as hurricane preparations, and until the emergency has subsided (as defined by the City Manager or designee), no person may anchor, moor or dock, or permit or cause to be anchored, moored or docked, any live aboard vessel in a canal, basin or cove that is adjacent to any residential area; or within one hundred (100) feet of a canal mouth, basin, cove, or a or natural shoreline whose adjacent or upland property is a residential area. Any vessel with a person or persons aboard that is anchored, moored or docked in the same location for seventy-two (72) hours is presumed for purposes hereof to be a live-aboard vessel. This prohibition does not apply to a marina in lawful operation on the effective date of this Article. Any marina at which a live-aboard is docked, as a condition for site improvements or redevelopment, shall provide an on-site pump out station or a contract for pump out services.

**Section 2.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason 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.

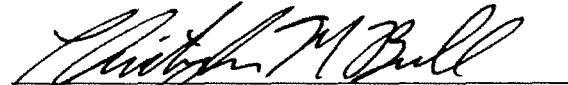
**Section 3.** It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Marathon, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 4.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

**Section 5.** This Ordinance shall be effective immediately upon its adoption.


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

THE CITY OF MARATHON, FLORIDA

  
\_\_\_\_\_  
Christopher Bull, Mayor

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

ATTEST:

  
\_\_\_\_\_  
City Clerk

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

  
\_\_\_\_\_  
City Attorney