

Sponsored by: Cinque
Introduction Date: June 10, 2008
Public Hearing Dates: June 10 and July 8, 2008
Enactment date: July 8, 2008

CITY OF MARATHON, FLORIDA
ORDINANCE 2008-13

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, CREATING SECTION 36-88 OF THE CITY OF MARATHON CODE OF ORDINANCES TO REQUIRE PROPERTY OWNERS TO MAINTAIN MANGROVES IN A MANNER PREVENTING THE MANGROVE FROM IMPEDING THE NAVIGABILITY OF WATERWAYS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Marathon (the “City”) finds that vegetation along the City’s waterfront may grow into the canals and may impede navigation; and

WHEREAS, the City Commission desires to provide a safe boating environment; and

WHEREAS, the City Commission desires that all canals remain open and navigable for all citizens and visitors to use and enjoy.

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 36-88 of the Code of Ordinances, City of Marathon, Florida, is hereby created to read as follows:

* * *

(a) **Property Owner’s Responsibility: All property owners shall maintain and trim mangroves and other native vegetation on their properties so as to prevent the vegetation from impeding the navigability of the waterway.**

(1) **The requirements of this section shall only apply to property owners whose property exists on a man-made canal, with two approximately parallel shorelines, both of which have residential or commercial development on them.**

- (2) For purposes of this section, navigation will be impeded if vegetation growing from any canal shoreline extends a distance greater than ten (10) feet water ward from mean high or twenty percent (20%) of the canal width, whichever is the lesser distance.
- (b) Permits Required: Mangrove or other native vegetation trimming and removal requires a permit from the Florida Department of Environmental Protection for mangroves and/or the City of Marathon for other vegetation.
- (c) Standards for Trimming: Mangrove trimming shall be performed in accordance with Fla. Stat. §§ 403.9321--403.9334.
- (d) Supervision: Unless otherwise exempt from permitting, all mangrove or other native vegetation trimming or removal shall be directly supervised by a person certified by Florida DEP or as indentified in Chapter 106.07(F), City of Marathon Land Development Regulations.
- (e) Applicable Law: It is the property owner's responsibility to ensure compliance with all state and local laws governing the removal and maintenance of vegetation.

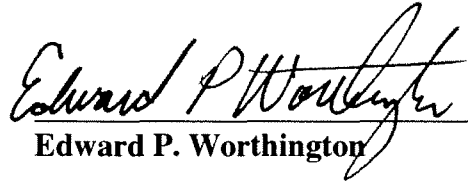
Section 3. The provisions of the City Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. 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 the Ordinance may be renumbered or re-lettered to accomplish to such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

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

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,
FLORIDA, this 8th day of July, 2008.**


THE CITY OF MARATHON, FLORIDA



Edward P. Worthington


AYES: Cinque, Tempest, Worthington
NOES: Vasil
ABSENT: Bull
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:**



City Attorney