

Sponsored by: Burnett
Introduction Date: September 9, 2008
Public Hearing Dates: September 23 and November 25, 2008
Enactment date: November 25, 2008

**CITY OF MARATHON, FLORIDA
ORDINANCE 2008-25**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA,
CREATING SECTION 32-33 OF THE CITY CODE PROHIBITING
PARKING IN DESIGNATED FIRE LANES; PROVIDING FOR THE
REPEAL OF ALL CODE PROVISIONS AND ORDINANCES
INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City wishes to establish Fire Lanes throughout the City in order to ensure proper access to all areas and resources of the City by the Fire Department; and

WHEREAS, pursuant to Sections 316.006 and 316.008, Florida Statutes, the City Council retains original; jurisdiction to regulate stopping, standing or parking on the public streets, highways, roadways, parking areas and specified reserved parking areas in the City and on property owned or leased by the City; and

WHEREAS, the City Council finds that regulation of parking, standing or stopping on the public streets, highways, roadways, parking areas and specified reserved parking areas in the City and on property owned or leased by the City promotes the public health safety and welfare by ensuring the proper access to all areas and resources of the City required by the Fire Department; and

WHEREAS, pursuant to Sections 316.008, 316.1945, 316.195, 316.1955, 316.1967, and 318.325, Florida Statutes, the City Council is authorized to provide for the issuance of parking tickets for violations of City ordinances dealing with parking, standing or stopping in certain specified locations and for the removal of the vehicles found to be in violation.

**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 32-33 of the Code of Ordinances, City of Marathon, Florida, is hereby created to read as follows:

* * *

Sec. 32-33. Fire Lanes

- (a) **Fire Lane:** A Fire Lane is a designated, unobstructed passageway sufficient in size to permit free passage of fire and other emergency equipment from a public road or right of way to all necessary areas or portions of any private or public property or waterway as hereinafter set forth. Fire lanes shall consist of roadways, fire department access roads, parking lot lanes, access to and in front of a Fire Hydrant or Fire Well or a combination thereof.

- (b) **Establishment of Fire Lanes:** In addition to adopted fire protection codes that require fire department access for every facility, building, or portion of a building hereafter constructed or relocated, whenever the Fire Marshal shall determine that the reasonable safety of persons occupying or using any premises, public or private, requires the establishment of a Fire Lane for orderly access of fire and other emergency equipment, the Fire Marshal shall establish such Fire Lane by written order and cause a public announcement of the establishment of such Fire Lane to be printed in a newspaper having substantial circulation in the community. Further, the Fire Marshal shall cause a copy of such order to be delivered, in person, or by Registered Mail, to the owner of any private land on which such Fire Lane is located or adjacent to such Fire Lane, or to the agent of such owner.

- (c) **Appeals:** Whenever the Fire Marshal establishes a Fire Lane, he shall file a copy of his order with the City Clerk and the local law enforcement agency having jurisdictional authority. Any person aggrieved by such order may file, with the City Council, within ten (10) days after the date of the publication of such order in the newspaper, a written notice of appeal setting forth the reasons for aggrievement. After a hearing, the City Council may affirm, modify, or rescind such order.

- (d) **Minimum Requirements:** Unless otherwise specified by the Fire Marshal, the Fire Lane shall meet the following requirements:
 - (1) Any Fire Lane intended for one-way travel shall provide a minimum of fifteen feet (15') in width of traveled way with a two (2) foot wide unobstructed recovery area on each side of the lane;
 - (2) Any Fire Lane intended for two-way travel shall provide a minimum of twenty feet (20') in width of traveled way with a two (2) foot wide unobstructed recovery area on each side of the lane;
 - (3) Any Fire Lane intended for travel shall provide and maintain at least thirteen feet six inches (13'6") nominal vertical clearance over the full width of the Fire Lane; and

(4) Any Fire Lane intended for drafting water shall be a minimum of fifteen feet (15') in width,

(e) **Delineation:** Upon establishment of a Fire Lane, the Fire Marshal shall cause to be erected or installed adequate signs and markings to delineate said Fire Lane. Signs and markings required on a privately owned premise shall be erected or installed by the City.

(f) **Installation of Signs and Markings:**

(1) Signs:

- i. Signs shall be mounted on steel posts or as approved by the Fire Marshal.
- i. Signs shall be installed to a height of seven feet (7') from the surface of pavement to the base of the sign.
- ii. Signs on posts shall face both directions of travel (mounted back to back), or as approved by the Fire Marshal.

(2) Lettering and Markings on Fire Lane Surface(s):

- i. Lettering on Fire Lane Surfaces shall read as follows: "NO PARKING-FIRE LANE", or as approved by the Fire Marshal.
- ii. Lettering shall be applied as to face both directions of travel.
- iii. Lettering shall be of sufficient size as to be readily visible from any vehicle traveling in the Fire Lane.
- iv. Pavement marking lines to designate the width of the Fire Lane shall be a minimum of five inches (5") in width and shall be permanently painted and weatherproofed.

(g) **Maintenance:** Whenever the Fire Marshal establishes a Fire Lane on premises open to the public, but not municipally owned, it shall thereafter be the responsibility of the owner to properly maintain the area so designated, and to keep and maintain it free of any material which would obstruct the use of said Fire Lane.

(h) **Violations:**

(1) No persons shall park, or permit to stand, a motor vehicle in a Fire Lane which has been established under this Section, except when the operator remains in the vehicle and is in the actual process of picking up or discharging passengers. This prohibition includes designated fire lanes in shopping center or mall parking lots and all other public vehicular areas. Provided, however, persons loading or unloading supplies or merchandise may park temporarily in a fire lane located in a shopping center or mall parking lot as long as the vehicle is not left unattended. The registered owner of a motor vehicle shall be presumed the operator of such vehicle.

- (2) No person shall park a vehicle or permit it to stand, whether attended or unattended, upon a highway in front of a private driveway within fifteen (15) feet in either direction of a fire hydrant, fire well or the entrance to a fire station, nor within twenty-five (25) feet from the intersection of curb lines or if none, then within fifteen (15) feet of the intersection of property lines at an intersection of highways.
- (i) **Penalties:** The noncriminal civil penalty for a violation of this Section is \$100.00. A law enforcement officer or parking enforcement specialist who discovers a vehicle parked in violation of this Section may issue a ticket in the form used by the City for parking violations to the driver or, if the vehicle is unattended, attach the ticket to the vehicle in a conspicuous place. The liability for payment of the ticket is pursuant to Fla. Stat. § 316.1967. Penalties collected under this section may be remitted to the City's general fund.
- (j) **Continuous Violation:** In the case of violators parked in violation of this Section for a period of six (6) continuous hours or more, the law enforcement officer or parking enforcement specialist, in addition to charging the owner and/or operator with the noncriminal violation set forth above; may have the vehicle towed and impounded by an operator qualified under the City's towing ordinance, at the owner's expense. The cost of such towing and impoundment shall be a lien against the vehicle.

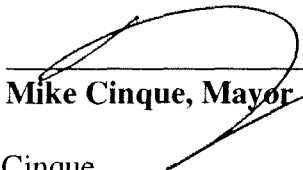
Section 3. Any provisions of the City Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4 The provisions of this Ordinance are declared to be severable, and if any sentence, section, 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 sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,
FLORIDA, this 25th day of November, 2008.**


THE CITY OF MARATHON, FLORIDA



Mike Cinque, Mayor


AYES: Vasil, Snead, Ramsay, Worthington, Cinque
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:**



City Attorney