

Sponsored by: Senmartin  
Introduction Date: February 26, 2019  
Public Hearing Dates: February 26, 2019  
March 12, 2019  
Enactment date:

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2019-05**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING CHAPTER 2, ARTICLE 1, OF THE CITY CODE OF ORDINANCES BY CREATING SECTION 2-1, "MUNICIPAL SEAL," PROVIDING FOR THE REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES FOUND TO BE IN CONFLICT, PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Section 165.043, Florida Statutes, provides for the designation by ordinance of a municipal seal; and

**WHEREAS**, the City of Marathon has used one or more versions of a municipal or city seal since 1999, but has never designated one by ordinance; and

**WHEREAS**, it is the policy direction of the City Council to establish a city seal by ordinance.

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

**SECTION 1.** The above recitals are true, correct, and incorporated herein by this reference.

**SECTION 2.** Chapter 2, Article 1, of the City Code of Ordinances is amended by creating Section 2-1, "Municipal Seal," to read as follows:

**Sec. 2-1. – Municipal Seal**

- (a) The City of Marathon designates the graphical seal depicted below as the official seal of the city.



- (b) It shall be unlawful and a violation of this section to manufacture, use, display, or otherwise employ any facsimile or reproduction of the city seal, except by city officials or employees in their official duties, without the express approval of the city council. Such unauthorized use shall constitute a violation of this section and may be punished by a court of competent jurisdiction up to the maximum penalty permitted by law as provided by section 1-7 of this Code and section 165.043, Florida Statutes.
- (c) The provisions of subsection (b) shall not prohibit any current city official or employee from displaying the city seal on clothing or apparel being worn, provided the official or employee is not undertaking any political activity or advocating for any cause that is adverse to city business at such time.
- (d) All seals previously used by the city are solely reserved for use by the city, its departments, and instrumentalities, which shall maintain all rights authorized and provided for pursuant to section 165.043, Florida Statutes.

**SECTION 3.** The provisions of the Code of Ordinances, City of Marathon, Florida 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 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 5.** 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 6.** This Ordinance shall be effective immediately upon its adoption.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
MARATHON, FLORIDA, THIS 12<sup>TH</sup> DAY OF MARCH, 2019.**

**THE CITY OF MARATHON, FLORIDA**

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**John Bartus, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

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Diane Clavier, City Clerk

(City Seal)

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

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David Migut, City Attorney













