Sponsored By: Williams
City Council Public Hearing Date: August 11, 2026
September 8, 2026
Enactment Date: September 8, 2026

CITY OF MARATHON, FLORIDA
ORDINANCE 2026-24

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA; AMENDING CHAPTER 15 FIRE PREVENTION, ARTICLE 1 "IN GENERAL", AMENDING SECTION 15-6 ENTITLED "CHICKEES AND TIKIS," AMENDING SECTION 15-7 ENTITLED "PENALTY," AMENDING SECTIONS 15-8 THROUGH 15-26 ENTITLED "RESERVED;" OF THE CITY OF MARATHON CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (the "City") has adopted a Comprehensive Plan which has been found to be in compliance by the State Department of Commerce ("FloridaCommerce"), pursuant to Chapters 163 and 380, Florida Statutes; and

WHEREAS, the City Council finds it necessary, desirable, and proper to adopt the amendments to the Land Development Regulations based upon changes to Florida Statute 125.489, 166.04845, 553.73(10)(i).; and

WHEREAS, this Ordinance had a hearing the City Council on September 8, 2026 during which the City, took staff testimony, all public comment, and having duly deliberated, determined that the Ordinance was in the best interest of the public. The Ordinance was noticed for a second hearing on October 13, 2026, at which time, the Ordinance was passed unanimously, and

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

~~Strikethrough~~ = deletion **bold underline** = addition

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

SECTION 2. Amend the Code of Ordinances, Section 15-6, Section 15-7, and renumber the remaining reserved sections as attached in Exhibit A.

SECTION 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause of 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 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. This Ordinance shall become effective immediately upon adoption on second reading.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 8th DAY OF SEPTEMBER, 2026.

THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, Mayor

AYES: Landry, Matlock, Still, Struyf, Del Gaizo
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:

Diane Clavier, City Clerk

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

Steven T. Williams, City Attorney

[1]Additions to existing text are shown by underline/red print; deletions are shown as ~~strikethrough~~

Chapter 15 "Fire Prevention" Article 1 "In General"

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Sec 15-6 Chickees And Tikis

(a) All Chickees and Tikis shall be setback ten (10) feet from the side property line. In measuring setbacks, the horizontal distance between the dripline and the property line shall be used.
(b) All Chickees and Tikis shall be setback ten (10) feet from any other structure. In measuring setbacks, the horizontal distance between the dripline and the further most projection of the improved structure shall be used.
(c) All Chickees and Tikis are exempt from the Florida Fire Prevention Code, including the national fire codes and other national codes incorporated by reference if at least twenty (20) feet from another structure subject to the Florida Building Code;
(d) *Alternative Compliance.* If a chickee or tiki is proposed to be less than twenty (20) feet from another structure subject to the Florida Building Code, then the proposed chickee or tiki must implement fire-proofing measures approved by a certified fire protection system contractor. In no instance shall the setback be reduced below the ten (10) feet denoted above.

Sec 15-7~~6~~ Penalty

(a) The City may enforce the provisions of this chapter by any lawful means including, but not limited to, in accordance with Section 1-7 of the Marathon Code, Chapter 10 of the Marathon Code, or Chapter 109, Article II of the Land Development Regulations.

Secs 15-8~~7~~--15-26 (Reserved)