



## COUNCIL AGENDA STATEMENT

Meeting Date: January 12, 2021  
To: Honorable Mayor and City Council  
From: George Garrett, City Manager

Agenda Item: **Ordinance 2021-02** Amending Chapter 22, Article II (“Collection And Disposal”) Of The Code Of Ordinances Of The City Of Marathon By Amending Section 22-20 To Create Subsections A Through C, To Provide For Uniform Trash Receptacle Use And Placement Throughout The City; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

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### BACKGROUND & JUSTIFICATION:

The City of Marathon is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes. Chapter 166, *Florida Statutes*, grants the City broad municipal home rule powers to provide for the health, safety and welfare of its residents, business owners and visitors by enacting regulations for the protection of the public. The Marathon City Council has identified significant problems with the manner in which trash receptacles are used and placed within the City such that they have become a public nuisance. In order to combat this public nuisance, the City wishes to implement procedures and regulations for the use and placement of trash receptacles. The City Council has determined that the implementation of such procedures is in the best interests of the public health and safety of the citizens of Marathon.

### CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	_____	_____
2. Other	<u>  X  </u>	_____
3. Not applicable	_____	_____

### FISCAL NOTE:

Approved by Finance Director: \_\_\_\_\_

### RECOMMENDATION:

Approve Ordinance

**Sponsored By:** Zieg  
**City Council Public Hearing Date:** January 12, 2021  
February 9, 2021  
**Enactment Date:** February 9, 2021

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2021-02**

**AN ORDINANCE BY THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 22, ARTICLE II (“COLLECTION AND DISPOSAL”) OF THE CODE OF ORDINANCES OF THE CITY OF MARATHON BY AMENDING SECTION 22-20 TO CREATE SUBSECTIONS A THROUGH C, TO PROVIDE FOR UNIFORM TRASH RECEPTACLE USE AND PLACEMENT THROUGHOUT THE CITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Marathon (“City”) is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes, and

**WHEREAS**, Chapter 166, *Florida Statutes*, grants the City broad municipal home rule powers to provide for the health, safety and welfare of its residents, business owners and visitors by enacting regulations for the protection of the public; and

**WHEREAS**, the Marathon City Council has identified significant problems with the manner in which trash receptacles are used and placed within the City such that they have become a public nuisance; and

**WHEREAS**, in order to combat this public nuisance, the City wishes to implement procedures and regulations for the use and placement of trash receptacles; and

**WHEREAS**, the City Council has determined that the implementation of such procedures is in the best interests of the public health and safety of the citizens of Marathon.

**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.** Chapter 2, Article II, Section 22-20 “Premises to be cleaned of debris and noxious material” is hereby amended to read as follows:

Section 22-20. Premises to be cleaned of debris and noxious material.

For the purposes of promoting the health, safety and general welfare of the residents that lands in subdivisions and outside of subdivisions, including vacant lands and/or improved property with residences, be cleared of debris and any noxious material, be the same garbage, litter, rubbish, refuse, solid waste, trash, or industrial waste cumulatively exceeding 2.5 cubic yards.

- (a) **Any person using or occupying any residence in the city shall provide and maintain in good order and repair, refuse receptacles of sufficient number to contain the garbage or trash that will accumulate on the premises. Such accumulation of refuse must be deposited for collection in a receptacle of such nature and strength as to confine and keep intact such refuse from the wind and elements. All refuse which is logically placed in refuse receptacles shall be so contained.**
  
- (b) **When placed for collection, a refuse receptacle must be located on the city right-of-way adjacent to the street pavement in front of the residence. At all other times, such receptacles must be stored within a carport, garage, or other enclosure immediately adjacent to the residence or in a designated fenced off area designed to hold refuse receptacles which is not located in whole or in part in the city owned right-of-way.**
  
- (c) **Trash and refuse receptacles shall not be left out on the right-of-way for pick-up except from 6:00 p.m. of the day prior to trash pick-up through the day designated for refuse pick-up.**

**SECTION 3.** Any provisions of the Code of Ordinances of the City of Marathon, Florida or Ordinances or parts of Ordinances that are 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 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, or 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 5.** It is the intention of the City Council and it is hereby ordained that 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 "Ordinance" shall be changed to "Section" or other appropriate word.

**SECTION 6.** This Ordinance shall become effective immediately upon approval.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,  
FLORIDA, THIS 9th DAY OF FEBRUARY, 2021.**

**THE CITY OF MARATHON, FLORIDA**

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**Luis Gonzalez, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

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Diane Clavier, City Clerk  
(City Seal)

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

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Steven Williams, City Attorney