

Sponsored By: Council

City Council Public Hearing Date: February 9, 2021

March 9, 2021

Enactment Date: March 9, 2021

**CITY OF MARATHON, FLORIDA
ORDINANCE 2021-08**

AN ORDINANCE BY THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 3, ARTICLE II (“FAIR HOUSING”) OF THE CODE OF ORDINANCES OF THE CITY OF MARATHON BY AMENDING SECTION 3-24; TO REMOVE CHAPTER 5, SECTION 5-10 (“SEIZURE OF ANIMALS BY PROPERTY OWNERS OR TENANTS; DELIVERY TO DEPARTMENT MANAGER; IMPOUNDMENT AND DISPOSAL; STANDARD OF CARE TO BE EXERCISED BY SEIZING PARTY”) IN THE ENTIRETY AND PROVIDE FOR THE RE-NUMBERING OF SUBSEQUENT SECTIONS; 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WHEREAS, there exists within the Marathon Code of Ordinances certain typographical errors as well as certain outdated or unused sections that either serve no purpose or are otherwise unenforceable; and

WHEREAS, it is in the best interest of the citizens of the City of Marathon to remove and/or remedy these identified code sections.

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 3, Article II, Section 3-24 “Administrator authority and responsibilities” is hereby amended to read as follows:

Section 3-24. Administrator authority and responsibilities.

(a) The authority and responsibility for administering this article shall be vested in the City Manager who shall appoint an administrator.

(b) The administrator shall:

(1) Receive written complaints as hereinafter provided relative to alleged unlawful acts under this article when a complaint seeks the administrator's good offices to conciliate.

(2) Upon receiving written complaint, make such investigations as the administrator deems appropriate to ascertain facts and issues.

(3) Utilize methods of persuasion, conciliation, and mediation~~meditation~~ or information adjustment of grievances.

(4) Establish, administer or review programs at the request of the City Council and make reports on such programs to the City Council.

(5) Bring to the attention of the City Council items that may require City Council notice or action to resolve.

(6) Render to the City Council annual written reports of his or her activities under the provisions of this article along with such comments and recommendations as he or she may choose to make.

(7) Cooperate with and render technical assistance to Federal, State, local and other public and private agencies, organizations and institutions which are formulating or carrying on programs to prevent or eliminate the unlawful discriminatory practices covered by the provisions of this article.

(c) If after fully processing the complaint in the manner hereafter provided, the administrator determines that there is probable cause to believe that there has been a violation of the provisions of this article, the administrator shall refer the matter, along with the facts he or she has gathered in the investigations, to the proper county, State or Federal authorities for appropriate legal action.

(d) The administrator shall promulgate, publish, and distribute the necessary forms, rules, and regulations to implement the provisions of this article.

SECTION 3. Chapter 5 (“Animals”) is hereby amended to read as follows:

~~Sec. 5-10.— Seizure of animals by property owners or tenants; delivery to department manager; impoundment and disposal; standard of care to be exercised by seizing party.~~

~~The City Council finds and declares that problems of animal overpopulation in the City require not only the resources of the City's Animal Control Department, but also the aid and assistance of private deputies. Therefore:~~

~~(1) It is lawful for a property owner or tenant to seize in an humane manner any dog, cat or other animal running at large on his property in violation of [Section 5-7](#) of this chapter. Where such seizure is made, the property owner or tenant shall immediately deliver the animal to the Department Manager or his assistant. The property owner or tenant shall treat the animal humanely and shall exercise utmost care to ensure the animal's safety and well being.~~

~~(2) The Department Manager may impound any animal delivered by its owner, or by a property owner or tenant pursuant to Subsection (1) of this section, and may release or dispose of the animal pursuant to this chapter.~~

~~(3) Any person who seizes an animal pursuant to this section shall exercise utmost care to treat the animal humanely and to avoid any injury, sickness, hunger or any other ailment or affliction whatsoever in both the seizure of the animal and the delivery of the animal to the Department Manager. Any person unable to comply with the foregoing for any reason shall not seize and deliver any animal; and any person who does injure or maim any animal or who does subject an animal to hunger, sickness, or any other ailment or affliction, either intentionally or negligently, in the exercise of the person's authority under this section, is in violation of this chapter and subject to the penalties herein.~~

Sec. ~~5-10.5-11~~. Luring, enticing, seizing, molesting or teasing an animal.

Sec. ~~5-11.5-12~~. Enforcement; fines.

Sec. ~~5-12.5-13~~. Surrender of animal to Department Manager; interference with Department Manager in performance of duty.

Sec. ~~5-13.5-14~~. Quarantine provisions; impoundment and treatment of sick and injured animals; disposal of dead animals.

Sec. ~~5-14.5-15~~. Impounding, redeeming by owner, disposition of unre-deemed dogs.

Sec. ~~5-15.5-16~~. Number of dogs and cats restricted.

Sec. ~~5-16.5-17~~. Keeping of fowl or wildlife.

Sec. ~~5-17.5-18~~. Racing greyhounds, and others, exempt.

Sec. ~~5-18.5-19~~. Contract with humane organizations.

Sec. ~~5-19.5-20~~. Rules and regulations

Sec. ~~5-20.5-21~~. Animals

Sec. ~~5-21.5-22~~. Chaining and tethering of dogs prohibited.

Sec. ~~5-22.5-23~~. Dog-friendly restaurants.

Secs. ~~5-23~~, 5-24, 5-25. - Reserved

SECTION 4. 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 5. 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 6. 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 7. This Ordinance shall become effective immediately upon approval.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,
FLORIDA, THIS XX DAY OF XXXX, 2021.**

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk
(City Seal)

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

Steven Williams, City Attorney