



COUNCIL AGENDA STATEMENT

Meeting Date: July 13, 2021
To: Honorable Mayor and Council Members
Through: George Garrett, City Manager

Agenda Item: **Ordinance 2021-17**, Amending Chapter 36, Article IV, “Water And Mooring Fields,” Modifying Section 36-83 To Prohibit The Launching Of Vessels Twenty-Six (26) Feet Or Longer And Any Vessel Transported On A Trailer Of Three (3) Axles Or More From The Boat Ramp Located At Aviation Boulevard And Harbor Drive; Providing For Severability; Providing For The Repeal All Ordinances Or Parts Of Ordinances Found To Be In Conflict, And Providing For Inclusion In The Code; And Providing For An Effective Date.

Ordinance 2020-03 was adopted by the City Council on August 11, 2020 restricting, among other things, the length of vessels that are allowed to launch at the Harbor Drive City Boat Ramp. After a year of operations pursuant to Ordinance 2020-03, it has been determined by staff and the Monroe County Sheriff’s Office that additional restrictions should be imposed to include a limitation the number of axles associated with trailers and boats launching at this ramp.

<u>CONSISTENCY CHECKLIST:</u>	Yes	No
1. Comprehensive Plan	<u> X </u>	<u> </u>
2. Other –Sewer Mandate	<u> </u>	<u> </u>

FISCAL NOTE:

APPROVED BY FINANCE DIRECTOR:

RECOMMENDATION:

Approval of Ordinance

Sponsored by: Garrett
Introduction Date: July 13, 2021
Public Hearing Dates: July 13, 2021
July 14, 2021
Enactment date: July 14, 2021

**CITY OF MARATHON, FLORIDA
ORDINANCE 2021-17**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING CHAPTER 36, ARTICLE IV, “WATER AND MOORING FIELDS,” MODIFYING SECTION 36-83 TO PROHIBIT THE LAUNCHING OF VESSELS TWENTY-SIX (26) FEET OR LONGER AND ANY VESSEL TRANSPORTED ON A TRAILER OF THREE (3) AXLES OR MORE FROM THE BOAT RAMP LOCATED AT AVIATION BOULEVARD AND HARBOR DRIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES FOUND TO BE IN CONFLICT, AND PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance 2020-03 was adopted by the City Council on August 11, 2020 restricting, among other things, the length of vessels that are allowed to launch at the Harbor Drive City Boat Ramp; and

WHEREAS, after a year of operations pursuant to Ordinance 2020-03, it has been determined by staff and the Monroe County Sheriff’s Office that additional restrictions should be imposed to include a limitation the number of axles associated with trailers and boats launching at this ramp; and

WHEREAS, the City Council reviewed the proposed Ordinance at public hearings heard on July 13, 2021 and again on July 14, 2024, listened to staff input, and accepted testimony from the public; and

WHEREAS, Chapter 166, *Florida Statutes*, grants the City of Marathon (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,

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

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

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

Section 2. Modify Sec. 36-83. – “Anchorage areas, and mooring fields”, as follows:

Sec. 36-83. - Anchorage areas, ~~and~~ mooring fields, City docks, and City boat ramps.

(m) No vessel twenty-six (26) feet or longer in length, bow to stern, **or any vessel transported on a boat trailer of three (3) axles or more,** shall **be allowed** to utilize and launch at the City boat ramp located at Aviation Boulevard and Harbor Drive. Identified use of said boat ramp by such vessels shall be a violation of this Subsection and shall be subject to penalties set out in Section 36-89 of this Chapter. Enforcement shall be carried out using protocols acceptable to the Monroe County Sheriff’s Office with potential assistance from citizen volunteers.

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. 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. 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 6. This Ordinance shall be effective immediately upon final adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14th DAY OF JULY, 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 LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

Steve Williams, City Attorney